

Michigan Register

Issue No. 7— 2003 (Published May 1, 2003)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

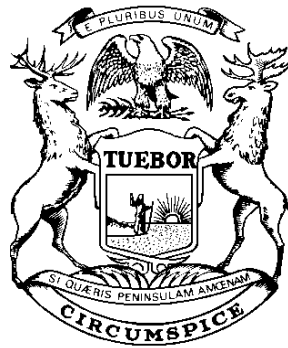
East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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(This issue, published May 1, 2003, contains
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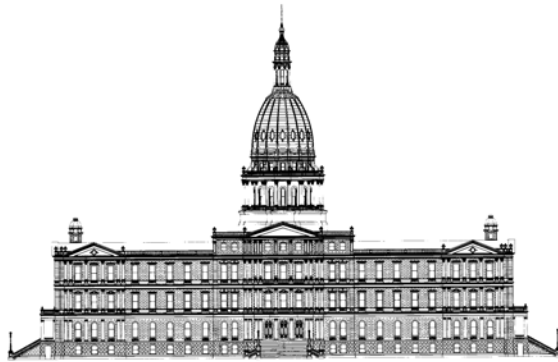
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Jennifer M. Granholm, Governor



John Cherry, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
 - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
 - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
 - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Department of Management and Budget, 1st Floor Ottawa Building, 611 West Ottawa, Lansing, MI 48909.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 241-1679.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: www.state.mi.us/orr

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director
Office of Regulatory Reform

2003 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2003	February 1, 2003
2	February 1, 2003	February 15, 2003
3	February 15, 2003	March 1, 2003
4	March 1, 2003	March 15, 2003
5	March 15, 2003	April 1, 2003
6	April 1, 2003	April 15, 2003
7	April 15, 2003	May 1, 2003
8	May 1, 2003	May 15, 2003
9	May 15, 2003	June 1, 2003
10	June 1, 2003	June 15, 2003
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15	August 15, 2003	September 1, 2003
16	September 1, 2003	September 15, 2003
17	September 15, 2003	October 1, 2003
18	October 1, 2003	October 15, 2003
19	October 15, 2003	November 1, 2003
20	November 1, 2003	November 15, 2003
21	November 15, 2003	December 1, 2003
22	December 1, 2003	December 15, 2003
23	December 15, 2003	January 1, 2004
24	January 1, 2004	January 15, 2004

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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

ORR # 2000-059

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

HOSPICE AND HOSPICE RESIDENCES

Filed with the Secretary of State on April 1, 2003.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of consumer and industry services by Section 21419 of 1978 PA 368 and Executive Orders Nos. 1996-1 and 1996-2, MCL 333.21419, 330.3101, and 445.2001)

R 325.13101, R 325.13102, R 325.13104, R325.13105, R 325.13106, R 325.13107, R 325.13108, R 325.13109, R 325.13110, R 325.13111, R 325.13201, R 325.13202, R 325.13205, R 325.13206, R 325.13207, R 325.13208, R 325.13211, R 325.13212, R 325.13213, R 325.13301, R 325.13302, R 325.13303, R 325.13304, R 325.13305, R 325.13306, and R 325.13307 of the Michigan Administrative Code are amended, R 325.13501, R 325.13503, R 325.13505, R 325.13507, R 325.13509, R 325.13511, R 325.13513, R 325.13515, R 325.13517, R 325.13519, R 325.13521, R 325.13523, R 325.13525, R 325.13527, R 325.13529, R 325.13531, R 325.13533, R 325.13535, R 325.13537, R 325.13539, R 325.13541, and R 325.13543 are added, and R 325.13209, R 325.13401, R 325.13402, R 325.13403, R 325.13404, R 325.13405, R 325.13406, R 325.13407, R 325.13408, R 325.13409, R 325.13410, R 325.13411, R 325.13412, R 325.13413, R 325.13414, R 325.13415, R 325.13416, R 325.13417, and R 325.13418 are rescinded from the Code as follows:

PART 1. GENERAL PROVISIONS

R 325.13101 Definitions.

Rule 101.(1) As used in these rules:

- (a) "Applicant" means a person applying to the department for a hospice license.
- (b) "Bereavement services" means those services provided to the family to assist them in coping with the death of the patient.
- (c) "Change of ownership," for purposes of section 20142(3) of the code, means a transfer of the property of a hospice from one owner to another, where the new owner will use the transferred property as a hospice operated by the new owner subsequent to the transfer.
- (d) "Code" means 1978 PA 368, MCL 333.1101 et seq.
- (e) "Department" means the department of consumer and industry services.
- (f) "Distinct hospice administration" means an identifiable administrative group which has a distinct organizational structure and which is accountable to a governing body, either directly or through the governing body's chief executive officer, for all aspects of the hospice.
- (g) "Governing body" means any of the following:
 - (i) The policy-making body of a hospice, which is a government agency.
 - (ii) The board of directors or trustees of a hospice which is a not-for-profit corporation.

- (iii) The board of directors of a hospice which is a business corporation.
- (iv) The proprietor or owners of a hospice which is a solely owned business or partnership.
- (h) "Hospice" means a program which provides palliative and supportive services to meet physical, psychological, social, and spiritual needs of patients and their families in the home, health care facilities, or other residential settings.
- (i) "Hospice administrator" means a person who is responsible to the governing body, either directly or through the governing body's chief executive officer, for the administrative operation of a hospice.
- (j) "Hospice patient" or "patient" means an individual in the terminal stage of illness who has an anticipated life expectancy of 6 months or less and who, alone or in conjunction with a family member or members, has voluntarily requested admission and been accepted into a hospice.
- (k) "Hospice patient's family" means the hospice patient's immediate relations, including a spouse, brother, sister, child, or parent. In addition, other relations and individuals with significant personal ties to the hospice patient may be designated as members of the hospice patient's family by mutual agreement between the hospice patient, the relation or individual, and the hospice organization. The patient-family unit shall be considered the unit of care throughout these rules.
- (l) "Hospice patient-family record" means written medical and health information pertaining to services rendered the patient-family unit by a hospice.
- (m) "Hospice residence" means a hospice residence as defined by section 21401(1)(B) of the code.
- (n) "Hospice staff" means the individuals who work, with or without remuneration, for the hospice.
- (o) "Interdisciplinary care team" means a group composed of qualified individuals who collectively have expertise in assessing the special needs of the hospice patient-family unit.
- (p) "Licensee" means a program or residence that possesses a currently valid hospice license.
- (q) "Ownership interest" means the ownership or control of 5% or more of the equity in the capital or stock, or interest in the profits, of a hospice.
- (r) "Physician" means a physician licensed under part 170 or 175 of the code.
- (s) "Sale of a hospice" means a change in ownership by sale.
- (2) The definitions and principles of construction in articles 1 and 17 and part 214 of 1978 PA 368, MCL 333.1101 et seq., 333.20101 et seq., and 333.21401 et seq. apply to these rules.

R 325.13102 State, federal, and local laws, rules, codes, and ordinances; compliance.

Rule 102. A hospice and its hospice residence, if applicable, which is licensed or certified shall comply with applicable state and federal laws and rules and shall furnish evidence as the department may require to show compliance with the laws and rules and applicable local rules, codes, and ordinances.

R 325.13104 Patient-family unit; rights and responsibilities policy; adoption of written procedure required.

Rule 104. (1) A hospice and its hospice residence, if applicable, shall adopt written policies and procedures to implement the rights and responsibilities of the patient-family unit as provided by section 20201(1) and (2) of the code. Before and following the patient-family unit's admission, the policy and procedures shall be available upon request.

(2) The procedures shall include a mechanism for the initiation, investigation, and resolution of complaints, subject to department approval, and, at a minimum, all of the following:

(a) A statement that a patient-family unit may complain to the hospice, hospice residence, or the department about any condition, event, or procedure in the hospice and its hospice residence, if applicable, without citing a specific violation of the code or these rules.

- (b) A procedure for submitting written complaints to the hospice and its hospice residence, if applicable, including a procedure to assist a complainant in reducing an oral complaint to writing, when the oral complaint is not resolved to the satisfaction of the complainant.
- (c) The name, title, location, and telephone number of the individual in the hospice and its hospice residence, if applicable, who is responsible for receiving complaints and conducting complaint investigations and a procedure for communicating with that individual.
- (d) A requirement that all complaints be investigated within 5 working days following receipt of a complaint by the hospice and its hospice residence, if applicable, and a requirement that, within 15 working days following receipt of the complaint, the hospice and its hospice residence, if applicable, shall deliver to the complainant a written report of the results of the investigation.
- (e) A mechanism for appealing the matter to the administrator of the hospice and its hospice residence, if applicable, if the complainant is not satisfied with the investigation or resolution of the complaint.
- (3) A hospice and its hospice residence, if applicable, shall maintain written complaints filed under its complaint procedure and all complaint investigation reports delivered to each complainant for 3 years. The records shall be available to the department upon request.

R 325.13105 Complaints to the department.

- Rule 105. (1) When a person files a written complaint against, and requests investigation of, a hospice and its hospice residence, if applicable, pursuant to section 20176 of the code, the complaint, if alleging a nonrecurring violation, shall be made within 12 months of the discovery of the violation or, if the complaint has been initially filed with the hospice and its hospice residence, if applicable, within 12 months following a final determination in the matter by the hospice and its hospice residence, if applicable. A complaint, if alleging a recurring violation, shall be made within 12 months of the last alleged occurrence cited in the complaint or within 12 months following a final determination in the matter by the hospice and its hospice residence, if applicable.
- (2) If a complaint is not filed within the 12-month period specified in subrule (1) of this rule, the department may consider the complaint based upon information supplied by the complainant as to the reasons for the failure to file within the 12-month period.
- (3) Complaints shall be in writing, shall be signed by the complainant, and shall indicate the name and address of the hospice and its hospice residence, if applicable, the nature of the complaint, and the complainant's name, address, and telephone number. If a complaint is oral, the department shall have the option of determining what, if any, action it will take in investigating the complaint.
- (4) Anonymous complaints shall be received and evaluated. The department may investigate anonymous complaints.
- (5) A complainant who is dissatisfied with the written determination or investigation by the department may appeal as provided by section 20176(2) of the code.

R 325.13106 Governing body; duties and responsibilities.

- Rule 106. (1) A hospice and its hospice residence, if applicable, shall have a clearly defined, organized governing body which shall assume full legal responsibility for the overall conduct and operation of the hospice and its hospice residence, if applicable, including quality of care and services.
- (2) The governing body shall be responsible for the establishment of policies and procedures for the management, operation, and evaluation of the hospice and its hospice residence, if applicable.
- (3) The governing body shall meet at sufficient intervals to carry out its legal obligations and shall keep a written record of its actions.
- (4) The governing body shall not enter into any agreement limiting its responsibility.

- (5) The governing body shall appoint a hospice administrator and shall delegate to the administrator the authority for operating the hospice in accordance with policies established by the governing body.
- (6) The governing body shall provide for medical direction of the hospice and its hospice residence, if applicable, through a physician or group of physicians who are currently licensed under part 170 or 175 of the code to practice in the state of Michigan.
- (7) If the hospice organization and its hospice residence, if applicable, discontinues operation of the hospice for any reason, the governing body shall comply with the appropriate provisions set forth in R 325.13109(1)(t)(vi).

R 325.13107 Hospice administrators; duties.

Rule 107. (1) The hospice administrator shall direct the hospice and its hospice residence, if applicable, and ensure implementation of policies and procedures regarding all activities and patient-family unit care services provided in the hospice and its hospice residence, if applicable, whether provided through staff employed directly by the hospice and its hospice residence, if applicable, by volunteers, or through contract arrangement.

- (2) The hospice administrator shall designate, in writing, an alternate to act in his or her absence.
- (3) The hospice administrator shall implement administrative policies and procedures which include personnel policies and which are applicable to all hospice and its hospice residence, if applicable, staff.
- (4) The hospice administrator shall implement financial policies and procedures, approved by the governing body, according to sound business practice, including, but not limited to, all of the following:
 - (a) Payroll.
 - (b) Budget.
 - (c) Accepting and accounting for gifts and donations.
 - (d) Keeping and submitting such reports and records as required by the department and other authorized agencies.

R 325.13108 Services generally.

Rule 108. As the needs of the hospice and its hospice residence, if applicable, and its patient-family units dictate, the services of qualified personnel, who need not be salaried employees, shall be made available in all of the following disciplines:

- (a) Medical care.
- (b) Nursing care.
- (c) Social work.
- (d) Spiritual care.

R 325.13109 Development of policies and procedures for home or inpatient care and services program provided by a hospice and its hospice residence, if applicable.

Rule 109. (1) Written policies and procedures shall be developed to coordinate a program for home or inpatient care and services provided by a hospice and its hospice residence, if applicable. The written policies and procedures shall include all of the following:

- (a) Philosophy and objectives.
- (b) Patient-family unit rights and responsibilities.
- (c) Medical direction.
- (d) Admissions, transfers, and discharges of the patient-family unit.
- (e) Types of services provided and the coordination of those services, including inpatient care and follow-up.
- (f) Quality assurance programs.

- (g) Determining the number and types of staff and volunteers needed.
- (h) Position descriptions for each category of employed, volunteer, or contracted personnel.
- (i) Orientation and staff development to all personnel, including volunteers.
- (j) Functions of interdisciplinary care team.
- (k) Medical services.
- (l) Nursing services.
- (m) Nutrition services.
- (n) Pharmaceutical services.
- (o) Bereavement services.
- (p) Social work services.
- (q) Volunteer services.
- (r) Informed consent.
- (s) Availability of a staff member, 24 hours a day, 7 days a week, to a patient-family unit.
- (t) A hospice patient-family unit record relating to all of the following:
 - (i) Documentation by staff of services rendered to patient-family units.
 - (ii) Confidentiality of medical information.
 - (iii) Release of information or the provision of copies of the information to patient-family units or authorized persons upon written consent of the patient or guardian.
 - (iv) Transfer of medical information to another hospice program or inpatient unit.
 - (v) Records retention for a period of not less than 5 years following death or discharge or, in the case of a minor, 3 years after the individual comes of age under state law, whichever is longer.
 - (vi) Notification to the department regarding storage of records if the hospice ceases to operate.
- (2) All policies and procedures shall be reviewed and shall be revised, if necessary, annually.
- (3) All policies and procedures shall be immediately available for on-site inspection by the department.

R 325.13110 Patient rights and responsibilities policy; transmittal of information to patient-family unit; provision of hospice and hospice residence rules and regulations to patient-family unit required.

Rule 110. (1) A hospice and its hospice residence, if applicable, shall develop, adopt, post in a public place, distribute, and implement a policy on the rights and responsibilities of hospice patient-family units in accordance with the requirements of sections 20201, 20202, and 20203 of the code.

(2) A hospice and its hospice residence, if applicable, shall assure that information transmitted to a patient-family unit will be communicated in a manner that will reasonably ensure that the information is understood by the patient-family unit.

(3) The hospice and its hospice residence, if applicable, shall assure that a patient-family unit is provided with information about the hospice rules and regulations affecting patient care and conduct. The hospice and its hospice residence, if applicable, shall provide a written copy of the hospice and its hospice residence, if applicable, rules and regulations to the patient-family unit upon request or admission and when the rules and regulations are changed.

R 325.13111 Quality assurance program.

Rule 111. (1) The hospice and its hospice residence, if applicable, shall develop and implement, through an interdisciplinary committee, an ongoing quality assurance program which will monitor activities and identify problems.

(2) The committee shall adopt or develop professional standards which, at a minimum, shall address all of the following:

- (a) Interdisciplinary team services.

- (b) Patient and family as the unit of care.
- (c) Symptom control.
- (d) Continuity of care.
- (e) Home care services.
- (f) Inpatient services.
- (3) The committee shall do all of the following:
 - (a) Collect and analyze data.
 - (b) Recommend change when necessary.
 - (c) Recommend reevaluation when necessary.

PART 2. LICENSURE

R 325.13201 Hospice and hospice residence; establishing, maintaining, or operating without license prohibited.

Rule 201. A person shall not establish, maintain, or operate a hospice and its hospice residence, if applicable, unless licensed by the department in accordance with section 21411 of the code and these rules.

R 325.13202 Time of application.

Rule 202. An application for initial licensure shall be made to the department not less than 90 days before the hospice's and its hospice residence's, if applicable, anticipated opening date. An application for renewed licensure shall be submitted to the department not less than 90 days before the expiration of the current license.

R 325.13205 Surveys and investigations.

Rule 205. (1) The department shall conduct a survey and investigation of a hospice for initial licensure within the 3-month period following receipt of the application. An initial hospice license shall only be issued if the department, after completing a survey and investigation, finds the hospice to be in substantial compliance with the requirements of the code and these rules. An initial hospice residence license may be issued subject to a survey and investigation following its opening.

(2) The department may make additional visits, inspections, and investigations for the purpose of survey, evaluation, consultation, complaint investigation, or enforcement of these rules and the code.

(3) Surveys and investigations by the department pursuant to this part may include all of the following:

- (a) Inspections of applicable programs and their operation.
- (b) Inspection and copying of books, records, patient-family unit medical records, and other documents maintained by the hospice and its hospice residence, if applicable.
- (c) The acquisition of other information from any other person who may have information bearing on the applicant's or licensee's compliance or ability to comply with the applicable requirements for licensure.

(4) When making a survey or investigation, the department representative or representatives shall, upon request, present proper identification. For this purpose, "proper identification" means a card issued by the department certifying that the holder is an employee of the department.

R 325.13206 Disclosure of ownership interests.

Rule 206. (1) An applicant or licensee shall include all of the following information with its application for an initial or renewed license:

- (a) The name, address, principal occupation, and official position of all persons who have an ownership interest in the hospice and its hospice residence, if applicable.
- (b) The name, address, principal occupation, and official position of each trustee for a voluntary nonprofit corporation.
- (c) If a hospice is located on or in leased real estate, the name of the lessor and any direct or indirect interest of the applicant or licensee.
- (2) The department may accept ownership interest reports filed with the securities and exchange commission in place of the information required in subrule (1) of this rule, if the department determines that the reports contain the information required.

R 325.13207 Administrator; responsibilities as hospice and its hospice residence, if applicable, agent.

Rule 207. An application for an initial or renewed license or certification shall be signed by the owner or hospice administrator. The hospice administrator shall act as agent for the owner or owners with respect to doing any of the following:

- (a) Submitting the application and making amendments thereto.
- (b) Providing the department with all information necessary for a determination with respect to the application.
- (c) Entering into agreements with the department in connection with licensure or certification.
- (d) Receiving notice and service of process on behalf of the applicant in matters relating to licensure or certification.

R 325.13208 Action on applications for licensure.

Rule 208. (1) With respect to any application for licensure, on the basis of the information supplied by the applicant or any other information available to it, including hospice and its hospice residence, if applicable, surveys and investigations, the department shall take 1 of the following actions:

- (a) Issue the license.
- (b) Issue a temporary unrenovable permit.
- (c) Deny an initial or renewed license.
- (d) Take other action consistent with the purposes of the code.
- (2) Action by the department pursuant to subrule (1)(b) or (c) of this rule shall be preceded by a notice of intent and an opportunity for a hearing. In all other cases, the determination of the department is final.

R 325.13209 Rescinded.

R 325.13211 Notice to department of change in information required; transfer of license; posting.

Rule 211. (1) An applicant or licensee shall give written notice to the department within 5 business days of any change in information submitted as part of an application for initial or renewed licensure.

- (2) A license is not transferable.
- (3) The current license shall be posted in a conspicuous public place in the hospice and its hospice residence, if applicable, office. For purposes of this rule, the term "license" includes a limited license or a temporary permit.

R 325.13212 Prohibited terms.

Rule 212. In addition to the terms limited by the code, the use of the words "state approved" or words having a similar meaning is prohibited unless the hospice and its hospice residence, if applicable, is operated under a current license.

R 325.13213 Public inspection of license records.

Rule 213. (1) Unless otherwise provided by law, records pertaining to licensure and certification are available for public inspection and copying during business hours on the days when the department is open for business.

(2) The department shall delete from licensing and certification records made available for inspection any matters or items of information exempt from disclosure under law. Fees related to requests for inspection or copies of licensing and certification records shall be assessed in accordance with applicable law and department procedure.

(3) Arrangements for the inspection or copying of licensing and certification records shall be made with the department.

PART 3. SERVICES

R 325.13301 Contractual services.

Rule 301. (1) A hospice and its hospice residence, if applicable, may contract with other health care providers or appropriate parties for the provision of care and services when the hospice and/or its hospice residence, if applicable, does not have sufficient qualified staff or available adequate equipment to render such services directly. Contracts for shared services shall be written and shall clearly delineate the authority and responsibility of the contracting parties. Contracts with providers shall maintain the responsibility of the hospice and its hospice residence, if applicable, for coordinating and administering the hospice and its hospice residence, if applicable, program.

(2) The hospice administrator shall maintain responsibility for coordinating and administering the hospice program.

(3) Any and all personnel provided to the hospice and its hospice residence, if applicable, under the terms of contracted services shall be licensed or credentialed as required by law.

(4) All contracts shall include financial arrangements and charges, including donated services.

(5) All contracts shall state the availability of service.

(6) A contracted service shall not absolve the hospice from responsibility for the quality, availability, documentation, or overall coordination of patient-family unit care or responsibility for compliance with any federal, state, or local law or rules and regulations.

(7) All contracts shall be reviewed annually and revised if necessary.

(8) All contracts shall be signed and dated by the administrator and the duly authorized official of the agency providing the contractual service.

(9) All contracts shall state that the contractor will provide services to the patient in accordance with the patient care plan developed by the hospice.

(10) Employees of an agency providing a contractual service shall not seek or accept reimbursement in addition to that due the agency for the actual service delivered.

(11) All contracts shall prohibit the sharing of fees between a referring agency or individual and the hospice and its hospice residence, if applicable.

R 325.13302 Medical services.

Rule 302. (1) At the time of admission to the hospice program and its hospice residence, if applicable, and thereafter, a patient shall be under the care of a physician who shall be responsible for providing or arranging for medical care. This physician may be the attending physician.

(2) The physician providing the medical care to a patient shall be responsible for the direction and quality of medical care rendered to that patient.

- (3) The physician shall review the patient's medical history and physical assessment within 48 hours before or following the patient's admission to the program.
- (4) The physician shall do both of the following:
 - (a) Validate the prognosis and life expectancy of the patient.
 - (b) Assist in developing the care plan of the patient.
- (5) Medical care shall emphasize prevention and control of pain and other distressing symptoms.
- (6) Physician-patient/family encounters shall be at least as frequent as described in the written plan of care.
- (7) All physician orders and the services rendered shall be entered in the patient and family record.
- (8) The hospice and its hospice residence, if applicable, shall arrange with a physician or group of physicians to provide the development and coordination of the medical care to ensure the adequacy and appropriateness of the medical services.
- (9) The hospice and its hospice residence, if applicable, shall arrange for the availability of medical services 24 hours a day, 7 days a week.

R 325.13303 Physicians' assistants services.

- Rule 303. (1) A physician's assistant working under the supervision of a licensed approved physician, as set forth in part 170 or 175 of the code, may carry out appropriate delegated functions in a hospice and its hospice residence, if applicable, in accordance with written policies of the hospice and its hospice residence, if applicable, which are formally adopted by the governing body, owner, or operator.
- (2) The written policies governing the functioning of the physician's assistant within the hospice and its hospice residence, if applicable, shall be consistent with law and rules applicable to the hospice and its hospice residence, if applicable, the physician's assistant, and the supervising physician.
 - (3) The physician's assistant shall not substitute for the licensed physician insofar as the overall responsibility for a patient's care is concerned.
 - (4) The attending physician supervising a physician's assistant shall do all of the following:
 - (a) Visit the patient at intervals prescribed in R 325.13302(6).
 - (b) Check, renew, or amend physician assistant's orders at prescribed intervals.
 - (c) Review and participate in the development of patient care plans following admission and at prescribed intervals.
 - (d) Review, approve, and countersign all physician assistant entries in the patient-family unit record. Orders written by the physician's assistant shall be countersigned by the attending supervising physician within 48 hours.

R 325.13304 Nursing services.

- Rule 304. (1) Nursing services in a hospice and its hospice residence, if applicable, shall be available directly or by written agreement 7 days a week, 24 hours per day and shall be under the supervision of a director of nursing who is registered and licensed in the state of Michigan.
- (2) Written policies and procedures for nursing services shall be developed by the director of nursing and implemented incorporating objectives and maintaining standards of nursing practice.
 - (3) The development of a comprehensive patient care plan for each hospice and its hospice residence, if applicable, patient-family unit shall commence within 24 hours of admission.
 - (4) The patient care plan shall be established by the hospice and its hospice residence, if applicable, designated interdisciplinary care team composed of, at a minimum, all of the following:
 - (a) Physician.
 - (b) Registered nurse.
 - (c) Social worker.

- (d) A spiritual advisor, if selected by the patient-family unit.
- (5) A staff member, as designated in the patient care plan, shall be responsible for the coordination, implementation, and ongoing review of each plan. The plan shall be recorded in ink and shall be maintained as part of the patient-family unit record.
- (6) The patient care plan shall give direction to the care given in meeting the physiological, psychological, sociological, and spiritual needs of the patient-family unit. The plan shall specifically address maintenance of patient independence and pain control.
- (7) Resource materials relating to the administration and untoward effects of medications and treatments used in pain and symptom control shall be readily available to hospice and hospice residence personnel.

R 325.13305 Bereavement and spiritual services.

Rule 305. (1) The hospice and its hospice residence, if applicable, shall provide, either directly or by arrangement, bereavement and spiritual services to the patient and family before and following the patient's death.

- (2) Bereavement and spiritual services shall be available, if needed, 7 days a week and shall be available to the family for not less than 13 months following the death of the patient.
- (3) Bereavement and spiritual services shall provide support to enable an individual to adjust to experiences associated with death.
- (4) A spiritual advisor, if selected by the patient-family unit, shall participate as a member of the interdisciplinary care team.
- (5) Bereavement and spiritual services shall be delivered consistent with the patient care plan.

R 325.13306 Volunteer services.

Rule 306. (1) The hospice and its hospice residence, if applicable, may utilize lay or professional volunteer services to promote the availability of care, meet the broadest range of patient-family unit needs, and effect financial economy in the operation of the hospice and its hospice residence, if applicable.

- (2) A volunteer services director shall develop and implement a program which meets the operational needs of the program, coordinates orientation and education of volunteers, defines the role and responsibilities of volunteers, recruits volunteers, and coordinates the utilization of volunteers with other program directors.
- (3) The volunteer services director shall be a member of the interdisciplinary team.
- (4) Volunteer service staff shall be aware of a patient's condition and treatment as indicated on the written plan of care.
- (5) Services provided by volunteers shall be in accord with the written plan of care.

R 325.13307 Social work services.

Rule 307. (1) The hospice and its hospice residence, if applicable, shall provide, either directly or by arrangement, social work services to the patient and family before and following the patient's death.

- (2) Social work services shall be available, if needed, 7 days a week.
- (3) Social work services shall provide support to enable an individual to adjust to experiences associated with death.
- (4) Social work services shall be delivered consistent with the patient care plan.

R 325.13401 Rescinded.

R 325.13402 Rescinded

R 325.13403 Rescinded.

R 325.13404 Rescinded.

R 325.13405 Rescinded.

R 325.13406 Rescinded.

R 325.13407 Rescinded.

R 325.13408 Rescinded.

R 325.13409 Rescinded.

R 325.13410 Rescinded.

R 325.13411 Rescinded.

R 325.13412 Rescinded.

R 325.13413 Rescinded.

R 325.13414 Rescinded.

R 325.13415 Rescinded.

R 325.13416 Rescinded.

R 325.13417 Rescinded.

R 325.13418 Rescinded.

PART 5. HOSPICE RESIDENCES PROVIDING CARE ONLY AT THE HOME CARE LEVEL

R 325.13501 Applicability.

Rule 501. (1) Unless otherwise specified in a rule, this part shall apply only to hospice residences that provide care only at the home care level of care.

(2) Articles 1 and 17 and part 214 of 1978 PA 368, MCL 333.1101 et seq., 333.20101 et seq., and 333.21401 et seq. contain definitions and additional licensure requirements for both hospice residences that provide care only at the home care level of care and hospice residences which provide inpatient care.

R 325.13503 Submission of plans.

Rule 503. (1) Complete plans, specifications, and an operational narrative for new buildings, additions, major building changes, and conversion of existing facilities to use as a hospice residence, including a

hospice residence providing inpatient care, shall be submitted to the bureau of health systems of the department for review to assure compliance with the law and these rules.

(2) Plans and specifications meeting the requirements of the law and these rules shall be approved by the department.

(3) Construction of new buildings, additions, major building changes, and conversions of existing facilities to use as a hospice residence shall not begin until the plans and specifications have been approved by the department and a construction permit has been issued for the construction to begin.

(4) The plan review fee shall be calculated at 0.5% of the first \$1,000,000 and 0.85% of the amount over \$1,000,000. The maximum plan review fee shall be \$30,000.

R 325.13505 Exteriors.

Rule 505. (1) The premises of a home care hospice residence shall be maintained in a safe and sanitary condition and in a manner consistent with the public health and welfare.

(2) Sufficient light for an exterior ramp, step, and porch shall be provided for the safety of persons using the facilities.

(3) An exterior step or ramp shall have a handrail on both sides. A porch shall have a railing to open sides.

R 325.13507 Interiors.

Rule 507. (1) A home care hospice residence building shall be of safe construction and shall be free from hazards to hospice residents, personnel, and visitors.

(2) A stairway or ramp shall have a handrail on both sides.

(3) A room shall be provided with a type and amount of ventilation which will control odors and contribute to the comfort of occupants as follows:

(a) Systems shall be capable of maintaining a temperature in the range of 71 to 81 degrees Fahrenheit in patient and public areas.

(b) Supply air systems shall be equipped with air filters rated at a minimum efficiency of 25% per ASHRAE standard 52.1992. Printed copies of ASHRAE standard 52.1--1992 are available a cost of \$15.00/member and \$19.00/non-member from the American Society of Heating, Refrigeration, and Air-conditioning Engineers, Inc. (ASHRAE), 1791 Tullie Circle, NE, Atlanta, GA and WWW.ASHRAE.ORG. It is also available for review at the Bureau of Health Systems, Michigan Department of Consumer & Industry Services, 525 W. Ottawa, G. Mennen Williams Building, 5th floor, Lansing, MI 48933.

(c) Net airflow shall be from clean to less clean.

(d) Air shall not be returned from toilet/bathing rooms, janitor's closets, soiled holding/utility rooms, and isolation rooms.

(e) Continuous exhaust ventilation shall be provided for janitor closets, soiled utility rooms, isolation rooms, and toilet rooms that serve more than 1 patient.

(4) A floor, wall, or ceiling shall be covered and finished in a manner that will permit maintenance of a sanitary environment.

(5) All of the following areas of the hospice residence shall be provided with lighting as follows:

(a) General room illumination-10 footcandles measured at 30 inches above the floor.

(b) Reading locations (head of bed)-30 footcandles.

(c) Charting/medical area-50 footcandles.

(d) Handwash sinks and bathing areas-30 footcandles.

(e) Food preparation areas (task level)-30 footcandles.

(f) Storage rooms-20 footcandles.

- (g) Corridors-20 footcandles.
- (h) Laundry (general)-30 footcandles.
- (i) Examination/treatment (may be portable)-75 footcandles.
- (j) Night lighting in toilet rooms and bedrooms, sufficient to illuminate a footpath from the bed to the toilet room.
- (k) Light fixtures shall be equipped with lenses or shields for protection of the lamps or with lamps that will not shatter.
- (6) A room used for living or sleeping purposes shall have a minimum total window glass area on the outside walls equal to 10% of the required floor area and a clear unobstructed window view for a minimum distance of 20 feet.
- (7) A minimum of 30 square feet of floor space per hospice bed shall be provided for dayroom, dining, and activity space.
- (8) A basement or cellar shall not be used for sleeping or living quarters.
- (9) A battery or secondary power source shall be provided for all critical or life support equipment, including oxygen and suction equipment, and there shall be emergency lighting sufficient to light corridors and exits.
- (10) A functionally separate living, sleeping, dining, lavatory, water closet, and bathing facility shall be provided for personnel and members of their families who live on the premises.
- (11) A doorway, passageway, corridor, hallway, or stairwell shall be kept free from obstructions at all times.
- (12) An elevator shall be provided if hospice beds are located on more than 1 floor level. An elevator shall have a minimum cab size of 5 feet by 7 feet 6 inches.
- (13) Dedicated space shall be provided for patient/family visitation and bereavement. The space may be omitted where all private bedrooms are provided.
- (14) The facility shall provide for family overnight stay.

R 325.13509 Home care hospice residence rooms.

- Rule 509. (1) A bedroom shall have the floor surface at or above grade level along exterior walls with windows.
- (2) A single bedroom shall provide not less than 100 square feet of usable floor space.
 - (3) A multi-bed room shall provide not less than 80 square feet of usable floor space per bed.
 - (4) Usable floor space shall not include a toilet room, closet, or vestibule.
 - (5) A bedroom shall be provided with a lavatory and toilet room opening into the room.
 - (6) A wardrobe or closet shall be provided for the storage of personal clothing.
 - (7) A multiple bedroom shall be designed to have a 3-foot clearance at each side and foot of the bed.
 - (8) A water closet or bathing facility shall have substantially secured grab bars at least 1 foot long.
 - (9) A bedroom shall permit the functional placement of furniture and equipment essential to the residents' comfort and safety.
 - (10) A bedroom shall have not less than 2 duplex receptacles, at least 1 of which shall be near the head of each bed.
 - (11) A nurse call system shall be provided at each home care hospice resident bed, water closet, and bathing fixture. The nurse call shall register at a staff location. An alternate calling/alert system may be approved by the department. A hand bell or other call system is acceptable in a hospice residence that has 8 or fewer beds if all beds are located within direct observation of the staff work station and if the call is clearly audible and identifies the patient location.
 - (12) The need for and number of airborne infection isolation rooms in a home care hospice residence shall be determined by an infection control risk assessment. Where provided, an isolation room shall be

a single bedroom that has an attached lavatory, water closet, and bathing facility reserved for the use of the occupant of the isolation room only. The isolation room shall have an area for staff hand washing and gowning and for storage of clean and soiled materials located directly outside or immediately inside the entry door to the room.

(13) A minimum of 10% of the bedrooms shall be accessible and meet the requirements of the Michigan barrier free design criteria.

(14) A hospice patient room shall have not more than 4 beds.

(15) In multiple-bedrooms, visual privacy from casual observation by other residents and visitors shall be provided for each resident. The design for privacy shall not restrict resident access to the entrance, lavatory, toilet room, or wardrobe.

R 325.13511 Hospice care unit.

Rule 511. (1) A hospice care unit in a home care hospice residence shall have all of the following:

(a) A dedicated area for medication storage and preparation and charting. The space shall be well lighted, equipped with a lavatory for hand washing, a refrigerator, and locked storage for medication.

(b) A room for the storage of clean linen, clean equipment, and clean supplies.

(c) A workroom for holding trash and soiled linens that is also designed for reprocessing of equipment. The room shall be separate from clean storage facilities.

(d) A janitor's closet shall be provided. For home care hospice residences of 8 or fewer beds, the janitor's closet may be combined with a properly sized soiled workroom.

(2) A bathing facility shall be provided for every 20 home care hospice residence beds.

(3) At least 1 assisted (barrier free) bathing fixture shall be provided.

(4) A home care hospice toilet room or bathroom shall not be used for storage or housekeeping functions.

R 325.13513 Public and personnel area.

Rule 513. (1) A public toilet room that has a lavatory and water closet shall be provided.

(2) A dedicated staff break/locker space shall be provided. A lavatory and water closet shall be located convenient to the break/locker space. For a home care hospice residence that has 8 or fewer beds, the staff facilities and public areas may be shared.

R 325.13515 Laundry and linens.

Rule 515. (1) The collection, storage, and transfer of clean and soiled linen shall be accomplished in a manner that will minimize the danger of disease transmission.

(2) A home care hospice residence that uses an outside laundry service shall have a soiled linen holding room and a separate clean linen/supplies storage room. When justified by the operational narrative, a properly sized soiled workroom may function as the soiled linen holding room.

(3) A home care hospice residence that processes its own linen shall provide a well ventilated laundry room of sufficient size to allow functional separation of soiled linen holding, laundry processing, and clean linen folding. The laundry shall be ventilated to provide directional airflow from clean to soiled areas. A lavatory for hand washing shall be provided in the laundry processing area. A separate clean linen storage room/area shall be provided. When justified by the operational narrative, a properly sized and located soiled workroom may serve as a soiled linen holding room. Laundry equipment shall be rated commercial or heavy duty.

R 325.13517 Water systems.

Rule 517. (1) A home care hospice residence located in a area served by a public water system shall connect to and use that system.

(2) If a public water system is not available, then the location and construction of a well and the operation of the water system shall comply with 1976 PA 399, MCL 325.1001 seq.

(3) Tempered water shall be regulated in the range between 105 and 120 degrees Fahrenheit.

R 325.13519 Liquid wastes.

Rule 519. (1) Liquid wastes shall be discharged into a public sanitary sewage system when a system is available.

(2) If a public sanitary sewage system is not available and a private liquid wastewater disposal system is used, the type, size, construction, and alteration of the system shall comply with all applicable laws. A subsurface disposal system shall not be approved for a home care hospice residence that has more than 8 beds.

(3) The wastewater disposal system shall be maintained in a sanitary manner.

R 325.13521 Solid wastes.

Rule 521. (1) The collection, storage, and disposal of solid wastes, including garbage, refuse, and dressings, shall be accomplished in a manner which will minimize the danger of disease transmission and avoid creating a public nuisance or a breeding place for insects and rodents.

(2) Suitable containers for garbage, refuse, medical waste, and other solid wastes shall be provided, emptied at frequent intervals, and maintained in a clean and sanitary condition.

R 325.13523 Heating.

Rule 523. A room in the home care hospice residence used by residents shall be maintained at a regular daytime temperature of not less 72 degrees Fahrenheit. Bedroom temperatures may be less than 72 degrees Fahrenheit if justified by the hospice patient's medical condition or preference.

R 325.13525 Kitchen and dietary area.

Rule 525. (1) A home care hospice residence shall have a kitchen and dietary area of adequate size to meet food service needs of the residents. It shall be arranged and equipped for the refrigeration, storage, preparation, and serving of food as well as for dish and utensil cleaning and refuse storage and removal. Where food service is provided from an outside service, the food service shall be licensed by the Michigan department of agriculture.

(2) The kitchen and dietary area shall be equipped with a lavatory for hand washing. The lavatory shall have a gooseneck inlet and wristblade or other hands-free controls.

(3) Food stored, prepared, and served in the hospice residence shall meet the requirements of 2000 PA 92, MCL 289.1101 et seq.

(4) Multi-use utensils used in food storage, preparation, transport, or serving shall be designed, cleaned, and sanitized in accordance with the requirements of 2000 PA 92, MCL 289.1101 et seq.

(5) Food equipment and work surfaces shall meet the requirements of 2000 PA 92, MCL 289.1101 et seq. Heavy-duty residential food equipment, including an exhaust hood and work surfaces may be provided in a hospice residence that has 8 beds or less.

R 325.13527 Insect and vermin control.

Rule 527. (1) A home care hospice residence shall be kept free from insects and vermin.

(2) Breeding places for insects and vermin shall be eliminated.

R 325.13529 General maintenance.

Rule 529. (1) The building, equipment, and furniture shall be kept clean and in good repair.

(2) Hazardous and toxic materials shall be stored in a safe manner.

(3) A room shall be provided in the home care hospice residence or on the premises for equipment and furniture maintenance and repair and for the storage of maintenance equipment and supplies.

R 325.13531 Fire safety and disaster planning.

Rule 531. (1) A home care hospice residence shall comply with all of the following provisions:

(a) Obtain fire safety approval pursuant to sections 20156 and 21413(3)(c) of 1978 PA 368, MCL 333.20156 and 333.21413(3)(c).

(b) Have a disaster management plan tailored to the facility and the types of residents it serves, which shall be periodically practiced on all shifts.

(c) Have policies and procedures to meet potential emergencies and disasters, which include, at a minimum fire, tornado, power outage, and severe weather.

(2) A home care hospice residence shall have policies and procedures which address all of the following:

(a) Prompt identification and transfer of patients and records to the appropriate facility.

(b) Arrangements with community resources.

(c) Emergency management and family call.

R 325.13533 Pharmaceutical services.

Rule 533. Pharmaceutical services in a home care hospice residence shall comply with the requirements of 42 CFR 418.100(k). Printed copies of 42 CFR, part 418.00, published in December 2001 in the federal register, are available for inspection and distribution to the public from the United States Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7924, at a cost of \$59.00 at the time of the adoption of this rule. The full text of code of federal regulations are also available in electronic format at www.access.gpo.gov/nara and is available for review at the Bureau of Health Systems, Michigan Department of Consumer & Industry Services, G. Mennen Williams Building, 525 W. Ottawa, Lansing, MI 48933.

R 325.13535 Infection control.

Rule 535. (1) The plan for infection control, required by section 21413(3)(b) of the code, shall be approved by the residence administration and shall contain a plan and facility policies which address, at least all of the following:

(a) Provisions for isolating each patient who has an infectious disease.

(b) Provisions for isolation rooms.

(c) Universal precautions.

(d) Transfer of patients to other facilities if required.

(e) Non-admission of patients who have airborne infectious disease.

(2) A residence shall require a new resident to have had a chest x-ray within 90 days before admission.

(3) Employee TB testing shall include the 2-step mantoux test and shall be annual or as specified by the local health department.

R 325.13537 Staffing requirements.

Rule 537. (1) A home care hospice residence shall comply with all of the following staffing requirements:

(a) Provide 24-hour nursing services for each patient in accordance with the patient's hospice care plan as required by 42 CFR part 418. Printed copies of 42 CFR, part 418.00, published in December, 2001 in the federal register, are available for inspection and distribution to the public from the United States Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7924, at a cost of \$59.00 at the time of the adoption of this rule. The full text of code of federal regulations are also available in electronic format at www.access.gpo.gov/nara and is available for review at the Bureau of Health Systems, Michigan Department of consumer & Industry Services, G. Mennen Williams Building, 525 W. Ottawa, Lansing, MI 48933.

(b) Provide nursing care and services by or under the supervision of a registered nurse.

(c) Direct and staff nursing services to assure that the nursing needs of patients are met.

(d) Specify patient care responsibilities of nursing and other hospice personnel.

(e) Provide services in accordance with recognized standards of practice.

(f) Provide a licensed nurse for each shift.

(2) A home care hospice residence shall maintain a nursing staff sufficient to provide at least 1 nurse to each 8 patients on the morning shift; 1 nurse to each 12 patients on the afternoon shift; and 1 nurse to each 15 patients on the nighttime shift. Additional nurses and other nursing personnel shall be added based upon patient or family needs.

R 325.13539 Medical waste.

Rule 539. A home care hospice residence shall comply with the requirements of 1990 PA 13, MCL 330.1147 et seq.

R 325.13541 Dietary.

Rule 541. A home care hospice residence dietary service shall comply with the requirements of 42 CFR 418.100(j). Printed copies of 42 CFR, part 418.00, published in December 2001 in the federal register, are available for inspection and distribution to the public from the United States Government Printing Office, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7924, at a cost of \$59.00 at the time of the adoption of this rule. The full text of code of federal regulations are also available in electronic format at www.access.gpo.gov/nara and is available for review at the Bureau of Health Systems, Michigan Department of Consumer & Industry Services, G. Mennen Williams Building, 525 W. Ottawa, Lansing, MI 48933.

R 325.13543 Additional requirements.

Rule 543. A hospice residence which provides both home care and an inpatient level of care shall comply with the requirements established for hospices providing an inpatient level of care.

ADMINISTRATIVE RULES

ORR # 2001-009

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

PUBLIC SERVICE COMMISSION

TELECOMMUNICATION SERVICES

Filed with the Secretary of State on April 1, 2003.

These rules take effect on August 1, 2003

(By authority conferred on the public service commission by sections 202 and 213 of 1991 PA 179, MCL 484.2202 and 484.2213)

R 484.401, R 484.402, R 484.421, R 484.422, R 484.423, R 484.424, R 484.425, R 484.431, R 484.434, R 484.435, R 484.438, R 484.439, R 484.440, R 484.440a, R 484.440b, R 484.440c, R 484.441, R 484.442, R 484.443, R 484.444, R 484.445, R 484.446, R 484.451, R 484.452, R 484.453, R 484.454, R 484.455, R 484.456, R 484.457, R 484.458, R 484.459, R 484.460, R 484.461, and R 484.471 are added to the Michigan Administrative Code.

PART 1. GENERAL PROVISIONS

R 484.401 Applicability.

Rule 1. These rules apply to telecommunication services regulated by the commission.

R 484.402 Definitions.

Rule 2. (1) As used in these rules:

- (a) "Act" means 1991 PA 179, MCL 484.2101 et seq.
- (b) "Answer" means that a provider's representative, voice response unit, or automated operator system is ready to render assistance or ready to accept information necessary to process a call.
- (c) "Average busy season, busy hour traffic" means the average traffic volume for the busy season, busy hour.
- (d) "Business day" means those days on which the provider's offices are open for business.
- (e) "Busy hour" means the hour when a telecommunication switching system carries the greatest volume of traffic. The busy hour is typically the busiest hour of the busiest day of a normal week.
- (f) "Busy season" means the period of the year during which a telecommunication switching system carries the greatest volume of traffic.
- (g) "Call" means the action by a customer to obtain a telephone connection whether the connection is completed or not.
- (h) "Central office" means a switching unit in a telecommunication system which provides service to the general public, and which has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.
- (i) "Commission" means the Michigan public service commission.

- (j) “Customer” means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency using regulated telecommunication services furnished by a provider.
- (k) “Customer trouble report” means any oral or written report from a customer relating to a physical defect, difficulty, or dissatisfaction with the operation or facilities of a provider.
- (l) “Emergency” means the loss of service to any of the following entities:
 - (i) A hospital, medical care facility, or any other facility providing health or public safety services.
 - (ii) An employee of a public safety, emergency medical, or professional trade who is on call during the service loss and has so advised the provider.
 - (iii) A person who has a medical need that is life-threatening and has so advised the provider.
 - (iv) A school while in regular class session.
 - (v) An adult care facility.
 - (vi) A child care facility during business hours.
- (m) “Facilities-based provider” means a telecommunication provider that provides basic local exchange service to end user customers by means of network facilities that it owns or controls. Where the term facilities-based provider is used throughout these rules, the rule shall only apply to a provider to the extent that the rule applies to the network facilities that the provider user owns or controls and uses to provision service to the affected end-user.
- (n) “Installation” means the provision of service to the provider’s interface device or equivalent equipment.
- (o) “Out of service” means a condition of a customer’s telecommunication service that prevents the customer from either making or receiving calls.
- (p) “Provider” means a person, firm, partnership, corporation, or other entity that provides basic local exchange service as defined by section 102(b) of the act.
- (q) “Small business customer” means a business which has 20 or fewer access lines or any business which does not have a contract, tariff, or agreement covering service installation and repair terms and conditions.
- (r) “Tariff” means the compilation of all rates, charges, classifications, and rules adopted by a provider and filed with the commission.
- (s) “Traffic” means telephone call volume, based on the number and duration of messages.
- (2) A term defined in the act has the same meaning when used in these rules.

PART 2. RECORDS, REPORTS, AND TARIFFS

R 484.421 Availability of records.

- Rule 21. (1) A provider shall make available to the commission or its staff, upon request, all records, reports, and other information required to determine compliance with these rules and to permit the commission and its staff to investigate and resolve quality of service issues related to regulated telecommunication services.
- (2) A provider shall make records, reports, and other information available to the commission or its staff in 5 business days, preferably in an electronic format which is available through the internet and which is accessible with standard browser software, identification, and password, or as soon thereafter as feasible.
- (3) Records constituting or incorporating trade secrets or commercial or financial information that are made available to the commission or its staff may be made exempt from disclosure pursuant to section 210 of the act.

R 484.422 Retention of records.

Rule 22. A provider shall preserve, in detail, all records required by these rules for the immediate past 12 months, and shall preserve, in summary form, all records for not less than 3 years, unless otherwise ordered by the commission.

R 484.423 Reports of service disruptions.

Rule 23. (1) A facilities-based provider shall report promptly to the commission any specific occurrence on its network that disrupts service to a substantial number of customers or that may impair its ability to furnish service to a substantial number of customers. A facilities-based provider shall report all disruptions that affect the lesser of 25% or 2,000 of the access lines in any exchange for 1 hour or more. It shall notify the commission and post the disruption information on the provider's internet website, if the provider has an internet website, within 90 minutes of becoming aware of the disruption during normal business hours, or, if the disruption occurs during the evening or a weekend, within 90 minutes of the commencement of the next business day. The facilities-based provider shall also notify other providers dependent on the facilities-based provider's network within 90 minutes of becoming aware of the occurrence, unless interconnection agreements specify other notice requirements.

(2) A facilities-based provider shall file a final report with the commission in electronic form within 30 days of any service disruption subject to subrule (1) of this rule. The report shall contain all of the following information:

- (a) The reason for the disruption.
- (b) The geographic area affected.
- (c) The number of customers affected.
- (d) The type of services affected.
- (e) The effect upon the provider.
- (f) Whether the service disruption was avoidable.
- (g) An explanation of the provider's remedy for the service disruption.
- (h) A description of the actions that the provider has taken or could take to avoid similar disruptions in the future.

R 484.424 Service measurements.

Rule 24. Upon request of the commission or its staff, a provider shall make measurements to determine the level of its compliance with these rules.

R 484.425 Tariffs.

Rule 25. A provider shall file its tariff with the commission in accordance with applicable laws and commission orders governing the filing of tariffs. A provider's bills and telephone directories shall prominently display an internet URL address at which its tariff is available or a phone number to call for information.

PART 3. CUSTOMER RELATIONS

R 484.431 Rate and special charges information.

Rule 31. (1) Upon the request of a customer or an applicant for service, a provider shall explain the rates, charges, and provisions under which it provides service and shall provide a copy of the applicable tariff section or pages for the regulated telecommunication services. This requirement may be satisfied by referring a customer to an internet website containing tariffs if the customer states he or she has access.

(2) A provider shall furnish reasonable access to information and assistance necessary to enable the customer or applicant to obtain the most economical service available to meet the customer's or applicant's stated needs, including state or federal "lifeline" programs that may be available. The provider shall advise the customer or applicant about any of the provider's alternative services that are available to meet those needs. The information may include printed explanations of alternative services and rates.

(3) Before changing or installing a service, a provider shall furnish the customer or applicant with an estimate of the amount of any service connection charges and an estimate of the initial bill for basic monthly service and any other applicable charges.

(4) Upon request, a provider shall furnish the customer or applicant with a written, detailed estimate of any special charges not specifically set forth in the provider's tariff. Special charges include any of the following:

- (a) Extraordinary construction, maintenance, and replacement costs.
- (b) Expenses for overtime work at the customer's or applicant's request.
- (c) Special installations, equipment, and assemblies.

R 484.434 Public information.

Rule 34. (1) A provider shall make available to a customer or applicant all of the following information on a website or shall provide copies upon request:

- (a) Maps or npa-nxx data showing local calling areas and zone boundaries.
- (b) Publicly announced information as to the availability of specific classes of service at a customer's or applicant's location.
- (c) Publicly announced information concerning plans for major service changes at a customer's or applicant's location.

(2) A provider shall advise a customer if the customer is located in an area in which the dialing of a 7- or 10-digit number may result in toll charges.

(3) A provider shall prominently display on its bills and other messages to its customers the provider's phone numbers to be used for customer inquiries, disputes, repairs, and other contacts.

R 484.435 Business offices.

Rule 35. (1) A provider shall maintain business offices that are adequately staffed with qualified persons to do all of the following:

- (a) Provide information relating to its services and rates.
- (b) Accept and process applications for service.
- (c) Explain charges on bills.
- (d) Adjust erroneous charges.
- (e) Enter into payment arrangements.
- (f) Act as a representative of the provider.

(2) A provider shall maintain a local or toll-free telephone number by which all customers served by a business office may call that office at no charge.

(3) A provider shall maintain sufficient staffing to ensure that customers and others who call a business office are permitted to talk to a person who is able to provide assistance within a monthly average of 120 seconds of calling the office during normal business hours.

(4) A provider shall ensure that all information provided to customers and others is accurate and in compliance with commission rules and the provider's tariff. A provider shall not make a statement to a customer that the provider knows to be untrue.

R 484.438 Advertising.

Rule 38. If a regulated service is not generally available, then a provider's advertising of that service without clearly disclosing the limits on its availability is false, misleading, or deceptive within the meaning of section 502(1)(a) of the act.

R 484.439 Directories.

Rule 39. (1) A provider shall furnish to new customers and annually to existing customers, at no additional charge, an up-to-date telephone directory for the customer's area unless the provider and customer agree otherwise.

(2) If a provider publishes a directory, the provider shall furnish a copy to the commission.

(3) The front cover of each directory shall indicate the area included in the directory and the month and year of issue. The front portion of the directory shall conspicuously feature information about placing calls to emergency services, police and fire departments, 9-1-1 service, 2-1-1 service, and dual party relay service.

(4) Each directory shall contain instructions concerning all of the following:

(a) Placing of local and long distance calls.

(b) Obtaining repair and directory assistance services.

(c) The locations and telephone numbers of the provider's business office or offices for the area served by the directory.

(d) The means to determine which numbers are in the local calling area.

R 484.440 Directory errors, omissions, and changes.

Rule 40. (1) If an error in the listed number of a customer occurs, which resides in the provider's switch, then the provider shall intercept all calls to the listed number for the remaining life of the directory, if the existing central office equipment permits it to do so and the number is not in service for another customer.

(2) If an error or omission in the name listing of a customer occurs, then the provider shall include the customer's correct name and telephone number in the files of the directory assistance and intercept operators.

(3) If a customer's telephone number is changed, then the provider shall intercept all calls to the previous number for a minimum of 3 months and give the calling party the new number unless the previous number has been reassigned, the customer has denied permission, or equipment limitations prevent the intercept.

(4) If additions or changes to plant or any other operations necessitate changing telephone numbers assigned to a group of customers, then a provider shall give reasonable notice to all customers affected, even though the change in numbers may coincide with the issuance of a directory.

R 484.440a Directory assistance and intercept calls.

Rule 40a. (1) Directory assistance operators shall have access to all telephone numbers for the area for which they are responsible for furnishing directory assistance service, except telephone numbers not listed or published at the customer's request.

(2) If a provider's directory assistance operator provides an incorrect number, then the provider shall not bill for the call or shall give a credit equal to the charge and the provider shall not count the call against the customer's monthly call allowance.

(3) A provider shall furnish a customer up to 2 numbers per call to directory assistance.

R 484.440b Operator services.

Rule 40b. A provider shall assure that operators answer calls within a monthly average of 10 seconds. An acknowledgment that the customer is waiting on the line is not an answer.

R 484.440c Complaints and appeals.

Rule 40c. (1) Within 10 business days after receiving an oral or written complaint from a customer or applicant, a provider shall investigate and respond fully and promptly unless an extension of time is requested and granted by the complainant. A provider shall notify the customer or applicant of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint. Upon request by the customer or applicant, a provider shall furnish its proposed disposition of the complaint in writing.

(2) A provider shall prominently include, on all of its bills and in each telephone directory, the telephone number to which a customer or applicant can make inquiries and direct a complaint. The provider shall provide a mailing address upon request and shall include a distinctive entity or person designated by the company to receive written complaints.

(3) A provider shall require its personnel to provide upon request any complaint escalation procedures and the name, address, and telephone number of the commission for further review of an unresolved problem.

(4) Upon receipt of a complaint, whether oral or written, from the commission or its staff, a provider shall do all of the following:

(a) If necessary, attempt to contact the affected customer within 2 business days.

(b) Promptly investigate the complaint and report the results of its investigation.

(c) Provide a final response to the commission or its staff within 10 business days, unless an extension is requested and granted by the commission staff.

(5) Failure to respond to a customer, applicant, commission, or commission staff within 30 days of a complaint, unless an extension is granted, shall create a presumption that the complaint is valid.

PART 4. ENGINEERING AND PLANNING

R 484.441 Construction.

Rule 41. (1) A provider shall design, engineer, construct, maintain, and operate its telecommunication plant and facilities as a reasonably prudent provider would and in compliance with R 460.813, except as may be modified by the commission. A provider shall comply with these requirements in the manner that best accommodates the public and prevents, to the extent practical, interference with and from services furnished by other telecommunication service providers and public utilities.

(2) A provider shall design its telecommunication plant as a reasonably prudent provider would so as to prevent electromagnetic interference from alternating current power systems. A provider shall engage in prior coordination with an electric utility before placing new plant or making major changes in existing plant likely to be affected by the electric utility's facilities.

(3) To minimize the occurrence of voltage and grounding problems, a provider shall consult and coordinate with existing electric and natural gas utilities in the general vicinity of planned telecommunication plant construction before construction.

(4) A provider shall comply with the provisions of 1974 PA 53, MCL 460.701 et seq.

R 484.442 General practices.

Rule 42. (1) A provider shall employ prudent management and engineering practices, including the use of reliable procedures for forecasting future demand for services. It shall conduct studies and maintain records to determine whether regulated telecommunication services will comply with these rules.

(2) A provider shall make traffic studies and maintain records as required to determine if sufficient equipment and an adequate operating force are provided at all times, including the average busy hour, busy season.

(3) A provider shall install sufficient central office capacity and equipment to permit customers to obtain dial tone within 3 seconds 98.5% of the time and complete not less than 99% of dialed calls without encountering an equipment blockage or irregularity.

(4) A provider shall engineer, construct, and maintain the trunk and related switching components in the provider's network that connect to the switched access network so that not less than 99% of properly dialed switched access calls (outgoing trunks) during the average busy season do not encounter equipment blockage or irregularity.

R 484.443 Customer line transmission requirements.

Rule 43. A provider shall comply with all of the following standards for all customer loops at the network interface device:

(a) A circuit loss of less than 10.5 decibels measured to a milliwatt reference.

(b) A circuit current of 20 milliamperes or more.

(c) A circuit noise level of less than 30 decibels-reference noise calibration.

(d) A power influence level of less than 90 decibels-reference noise calibration.

R 484.444 IntraLATA trunk transmission requirements.

Rule 44. A facilities-based provider shall comply with both of the following standards for all intraLATA trunks:

(a) Interoffice trunks shall have an objective of +/- 3.6 decibels of the engineered measured loss.

(b) End office to end office testing shall have an objective of +/- 3.6 decibels per switched leg of the engineered measured loss.

R 484.445 Inspections and tests.

Rule 45. (1) A facilities-based provider shall adopt and implement a written program, including, but not limited to, periodic and routine testing and inspection of all of the following:

(a) Interoffice trunking, before and after being placed in service.

(b) Central office switching equipment connections.

(c) A sample of customer loops in each exchange.

(2) The written program shall be developed so as to achieve an efficient operation of the provider's system and the rendering of safe, adequate, and continuous service for both routine testing and inspection activities and for the testing and inspection of trouble locations.

(3) A facilities-based provider shall maintain, or have access to, test facilities enabling it to determine the operating and transmission capabilities of all equipment and facilities specified in subrule (1) of this rule.

R 484.446 Emergency operation.

Rule 46. (1) A facilities-based provider shall make reasonable provision to provide service notwithstanding emergency power interruptions, unusual and prolonged increases in traffic, illness of its personnel, and fires, storms, or other emergencies. It shall inform its employees of the procedures to be followed for an emergency to prevent or minimize interruption and impairment of telecommunication service.

(2) A facilities-based provider shall equip each central office, remote switch, remote line unit, and interexchange toll switching office or access tandem with a minimum of 3 hours of peak load battery

reserve, if permanent auxiliary power is installed, and 5 hours of battery reserve, if permanent emergency power is not installed, or 8 hours of battery reserve if the central office is in a remote location. It shall have available a mobile power unit to be delivered and connected to central offices, remote switches, and remote line units within 8 hours.

(3) A provider shall maintain current, written emergency procedures that are directed to the prompt restoration of telecommunication service during abnormal conditions.

(4) A 9-1-1 service supplier shall provide 24-hour, 7-day-a-week data base access so as to permit information to be acquired or corrected.

(5) A provider, 9-1-1 service supplier, public safety answering point, or any entity providing or maintaining 9-1-1 data base information shall correct each error in the 9-1-1 system or data base within 1 business day.

PART 5. REPAIR AND INSTALLATION

R 484.451 Maintenance of plant and equipment.

Rule 51. (1) A facilities-based provider shall adopt and implement a maintenance program designed to achieve efficient operation of its system consistent with the rendering of safe, adequate, and continuous service in compliance with applicable codes.

(2) A facilities-based provider shall test, as needed, and maintain all plant and equipment up to and including the network interface device at the customer's location in safe and serviceable repair at no charge to the customer beyond the normal monthly charge for basic local exchange service. A facilities-based provider shall do at least all of the following:

(a) Repair or replace broken, damaged, or deteriorated parts.

(b) Readjust adjustable apparatus and equipment when found to be in unsatisfactory operating condition.

(c) Correct electrical faults, such as leakage or poor insulation, noise induction, cross talk, or poor transmission characteristics.

R 484.452 Customer trouble reports.

Rule 52. A facilities-based provider shall maintain service so that the average monthly rate of all customer trouble reports does not exceed 4 per 100 access lines, excluding reports concerning interexchange calls and trouble found in equipment other than the provider's equipment, such as inside wiring and customer premises equipment.

R 484.453 Customer repair requests.

Rule 53. (1) A provider shall make provision for the receipt of customer repair requests at all hours. A provider shall maintain adequate personnel to answer customer repair calls within a monthly average of 25 seconds. An acknowledgment that the customer is waiting on the line is not an answer.

(2) A provider shall arrange to have a representative available at all times to accept calls from providers and users of 9-1-1 and emergency services to report trouble with its telecommunication services to those providers.

(3) A provider shall make a full and prompt investigation of all repair requests and shall render reasonable assistance to the customer to identify a cause for the outage that may be corrected by the customer.

(4) A provider shall maintain an accurate record of repair requests by telephone number or circuit number, as appropriate. The record shall include all of the following information:

(a) The customer or service affected.

(b) The time, date, and nature of the repair request.

- (c) The action taken to clear the repair request or satisfy the complaint.
- (d) The date and time the repair was completed or the request was otherwise closed.
- (5) A provider shall not attempt to market new services to a customer calling to report a repair request, unless such services would assist in resolving the problem.
- (6) If access to a customer's premises is necessary to complete the repair and the customer is not available, then a tag shall be left on the customer's door indicating the date, an explanation of the repair problem necessitating entry into the customer's premises, and the technician's name and signature.

R 484.454 Emergency repairs.

Rule 54. (1) A provider shall attempt to clear all emergency out-of-service trouble within 4 hours after being reported to or found by the provider, except in any of the following situations:

- (a) The safety of the provider's personnel would be at risk.
 - (b) Access to the customer's premises is required but not available.
 - (c) The repair is necessitated by an unavoidable occurrence affecting a large number of customers.
 - (d) The repair is technically infeasible to accomplish.
- (2) A provider shall expedite a repair for a customer who has a medical emergency. Unless it has a specific, identifiable reason to doubt a customer's claim, a provider shall accept the customer's statement there is a medical condition requiring expedited restoration of service.

R 484.455 Out-of-service repairs.

Rule 55. (1) A provider shall arrange to clear all out-of-service trouble of a nonemergency nature within the following time frames, unless the customer agrees to alternative arrangements:

- (a) Out-of-service trouble shall be cleared within a monthly average of 36 hours after being reported to or found by the provider.
 - (b) The same repeat out-of-service trouble reported or found within 30 days of a prior repair shall be repaired the same or next business day after being reported to or found by the provider and identified as a repeat trouble.
- (2) For the second and third days of an out-of-service incident, a provider shall give a residential or small business customer a credit equal to 1/30 of the customer's monthly charge for basic local exchange service for each day or portion of each day, commencing when the out-of-service trouble is reported to or found by the provider, until service is restored. After the third day, a provider shall give the customer a credit of \$10.00 per day for the fourth and succeeding days until service is restored.
- (3) For the same repeat trouble within 30 days of the first occurrence, a provider shall give a residential or small business customer a credit of \$10.00 for each day or portion of each day, commencing when the repeat trouble is reported to or found by the provider, until service is restored.

R 484.456 Other repairs.

Rule 56. A provider shall arrange to clear trouble that does not involve an emergency or out-of-service condition within a monthly average of 36 hours after being reported to or found by the provider.

R 484.457 Repair appointments and commitments.

Rule 57. (1) For all repair requests requiring a customer to be present, a provider shall give a residential or small business customer a 4-hour time period within which the repair will commence. Otherwise, the commitments will specify a 24-hour period.

- (2) For appointments scheduled at least 48 hours in advance, a provider shall keep all repair commitments unless it contacts the customer not less than 24 hours in advance and reschedules the

appointment or commitment. If unusual repairs are required or other factors preclude completing repairs promptly, then a provider shall make reasonable efforts to notify the customer.

(3) If a provider misses a time commitment and subrule (2) of this rule does not apply, then the provider shall give the customer a credit of \$25.00 for each missed commitment.

R 484.458 Installation commitments.

Rule 58. (1) A provider shall install service for a residential or small business customer or applicant within a monthly average of 5 business days of the installation request, or a monthly average of 10 business days after a customer is released for a migration, unless a later date is requested or agreed to by the customer or applicant, the customer or applicant misses the appointment, or government permits or right-of-way access are required before installation.

(2) For basic local exchange service, a provider shall release the loop facilities and telephone number serving its customer within a monthly average of 5 business days after a request is made by a customer or on behalf of a customer to change local service providers.

(3) A provider shall keep records of all installations not completed by the commitment date.

(4) If a provider does not complete an installation by the fifth day, tenth day for a migration, or commitment date, then the provider shall give the customer or applicant a credit of \$10.00 for each day or portion of each day beyond the commitment date until service is installed and shall waive the installation fee, unless the customer or applicant misses the appointment.

(5) A provider shall provide for the reclassification of service at the request of a customer not later than the date mutually agreed to between the provider and the customer. A provider shall report to the commission orders for reclassification of service being held more than 60 days.

R 484.459 Return calls.

Rule 59. A provider shall return a call to a customer if the provider's representative tells the customer to expect a return phone call.

R 484.460 Planned service interruptions.

Rule 60. If a provider must interrupt service to work on lines or equipment, then it shall arrange to do the work in a manner that will

cause minimal inconvenience to its customers. If the provider reasonably expects that service will be interrupted for more than 15 minutes, then the provider shall attempt to notify each affected customer, including wholesale customers, in advance of the interruption. The provider shall make emergency service available, as required, for the duration of the interruption.

PART 6. MONITORING

R 484.461 Key measures of performance.

Rule 61. (1) A provider shall compile information on all of the following performance measures:

(a) Completing the investigation and contacting the customer within a monthly average of 10 days of the receipt of a complaint.

(b) Restoring service in a monthly average of 36 hours of the receipt of a trouble report.

(c) Answering calls to a business office in a monthly average of 120 seconds.

(d) Answering calls to a repair office in a monthly average of 25 seconds.

(e) Meeting new installation commitments within a monthly average of 5 business days.

(f) An average monthly rate of customer trouble reports of more than 4%.

(2) If a provider fails to meet any of the measures specified in subrule (1) of this rule for 2 consecutive months, then the provider shall file a performance measure report and a remedial plan with the commission.

(3) The provider shall develop the format of the report in consultation with the commission staff.

PART 7. WAIVERS AND EXCEPTIONS

R 484.471 Waivers and exceptions.

Rule 71. (1) A provider may petition for a permanent or temporary waiver or exception from these rules when specific circumstances beyond the control of the provider render compliance impossible or when compliance would be unduly economically burdensome or technologically infeasible.

(2) A provider may request a temporary waiver in order to have sufficient time to implement procedures and systems to comply with these rules.

(3) A provider may request a waiver or exception from some or all of these rules if it has obtained a competitive service classification from the commission pursuant to section 208 of the act.

(4) A provider shall be exempt from the provisions of these rules related to directory assistance to the extent the commission determines that the service is competitive under section 207 of the act.

(5) A provider is exempt from R 484.455, R 484.457, R 484.458, or R 484.459 under any of the following circumstances:

(a) The problem is or was caused by the customer.

(b) The problem is or was attributable to an "act of God." The term "act of God" shall include events such as any of the following:

(i) Flood.

(ii) Lightning.

(iii) Tornado.

(iv) Earthquake.

(v) Fire.

(vi) Blizzard.

(vii) Ice storm.

(viii) Other unusual natural or man-made disasters.

(c) There is a work stoppage or other work action by the provider's (or underlying provider's) employees, beyond the control of the provider, that causes or caused a significant reduction in employee hours worked.

(d) The problem occurs or occurred during a major failure. A "major failure" is a single event or occurrence that is not the direct result of action taken by the provider and that generates out-of-service reports affecting 100 or more access lines.

(6) The provider shall notify the commission, in writing, within 10 business days of its intent to invoke the occurrence of an event described in subrule (5) of this rule. The notification to the commission shall include all of the following information:

(a) Specific description of the event and general impact.

(b) Date or dates of the event.

(c) Location affected, such as exchanges or wire centers.

(d) Estimated number of customers affected.

The commission staff shall have 10 business days following the notification to advise the provider, in writing, if it disputes the validity of the invocation of an event described in subrule (5) of this rule and the reasons for such dispute. If the dispute cannot be resolved within 10 business days of the

commission staff's advice, then the provider shall file an application with the commission within 10 business days thereafter for resolution of the dispute.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

ORR # 2001-050

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

MANUFACTURED HOUSING

Filed with the Secretary of State on
These rules take effect on August 1, 2003

(By authority conferred on the director of the department of consumer and industry services by sections 4, 5, 9, 22 to 24, and 38 of 1987 PA 96, MCL 125.2304, 125.2305, 125.2309, 125.2321 to 125.2324, 125.2327, 125.2338, and Executive Reorganization Order No. 1996-2, MCL 445.2001)

R 125.1101, R 125.1120, R 125.1125, R 125.1130, R 125.1185, R 125.1192, R 125.1202b, R 125.1204, R 125.1209, R 125.1211a, R 125.1212, R 125.1213a, R 125.1214c, R 125.1214d, R 125.1214e, R 125.1214f, R 125.1214g, R 125.1214h, R 125.1214i, R 125.1214k, R 125.1214l, R 125.1214n, R 125.1302, R 125.1401, R 125.1402, R 125.1403, R 125.1404, R 125.1405, R 125.1407, R 125.1408, R 125.1409, R 125.1410, R 125.1411, R 125.1413, R 125.1415, R 125.1417, R 125.1419, R 125.1503, R 125.1504, R 125.1505, R 125.1507, R 125.1508, R 125.1601, R 125.1602, R 125.1602a, R 125.1603, R 125.1604a, R 125.1605, R 125.1607, R 125.1701, R 125.1702, R 125.1702a, R 125.1704, R 125.1705, R 125.1708, R 125.1901, R 125.1902a, R 125.1904a, R 125.1905, R 125.1908, R 125.1912, R 125.1918, R 125.1920, R 125.1922, R 125.1925, R 125.1926, R 125.1928, R 125.1929, R 125.1934, R 125.1935, R 125.1936, R 125.1937, R 125.1940, R 125.1940a, R 125.1941, R 125.1944, R 125.1947, R 125.1947a, R 125.1948, R 125.1950, R 125.2001, R 125.2003, R 125.2005, R 125.2005a, R 125.2006, R 125.2006a, R 125.2006b, R 125.2007 and R 125.2009 of the Michigan Administrative Code are amended, R 125.1106, 125.1192a, 125.1202c, R 125.1501a, R 125.1503a and R 125.2001a are added to the Code, and R 125.1201, R 125.1202a, R 125.1203, R 125.1210, R 125.1211, R 125.1214j, R 125.1214m, R 125.1310, R 125.1320, R 125.1416, R 125.1604b, R 125.1606, R 125.1608 and R 125.1913 of the Code are rescinded as follows:

PART 1. GENERAL PROVISIONS

R 125.1101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Accessory" means anything which is joined to a home, which renders it more complete, which accompanies it, which is connected to it, or which performs a function incident to the safety or convenience, or both, of the occupant, such as an attached or detached carport or garage, steps, or decks. An accessory shall be constructed pursuant to the standards set forth in the provisions of R 408.30101 et seq. of the Michigan Administrative Code.

(b) "Act" means ~~Act No. 96 of the Public Acts of 1987, as amended, being §1987 PA 96, MCL 125.2301 et seq. of the Michigan Compiled Laws, and known as the mobile home commission act.~~

(c) “Advertising” means the publication of, or causing to be published, by any means of communication, all material that is prepared for public distribution and consumption, including any sign used by a licensee. A licensee ~~may~~ shall use ~~its true~~ the name ~~or assumed name, or both names~~ under which it’s doing business in ~~its~~ all advertisements. The term does not include applications for licensing or stockholder communications, such as any of the following:

(i) Annual reports.

(ii) Interim financial reports.

(iii) Proxy materials.

(iv) Registration statements.

(v) Securities.

(vi) Business or financial prospectuses.

(d) “Certificate of manufactured home ownership” means a document which is issued by the department or its authorized representative and which establishes lawful transfer and ownership of a home.

(e) “Closing” means the procedure in which final documents are executed.

(f) “Commission” means the manufactured housing commission.

(g) “Common sidewalk” means a sidewalk in a community that is intended for the common use of all residents in the community.

(h) “Community” means both a “mobile home park” as defined in section 2(i) of the act and a “seasonal mobile home park” as defined in section 2(m) of the act.

(i) “Consumer” means a retail purchaser.

(j) “Consumer deposit” means all payments of cash or by personal check, money order, certified or cashier’s check, credit card or similar instrument, or other collateral or security paid to a retailer prior to closing by the consumer for the right to purchase a home subject to return upon cancellation of the purchase agreement. ~~A consumer deposit includes a down payment as defined in subdivision (m) of this subrule. A consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the deposit can be transferred to a general account.~~

(k) “Department” means the Michigan department of consumer and industry services.

(l) “Director” means the director of the Michigan department of consumer and industry services.

(m) ~~“Down payment” means all payments, whether made in cash or otherwise, received by or for the benefit of the seller.~~ “Final documents” include termination statements, or releases of lien, purchase agreements, installment loan contracts, manufacturer’s invoices, closing statements, shipping records, delivery receipts, and escrow disbursement documents.

(n) “Home” has the same meaning as “manufactured home,” which has the same meaning as “mobile home” as defined in section 2(g) of the act. A new home is a home for which a certificate of manufactured home ownership ~~has not~~ should have been issued under section 30 of the act.

(o) “Homeowner” means the person or persons listed on the certificate of manufactured home ownership and on the security agreement, if one exists, for the home.

(p) “Home site” means the entire area that is designated to be used for a specific home.

(q) “Individual sidewalk” means a private sidewalk which extends from the common sidewalk, driveway, or internal road to the home site and which is intended for the use of the home site resident.

(r) “Installer and servicer” has the same meaning as “installer and repairer” as defined in section 2(e) of the act.

(s) “Internal road” means a road which is contained within the boundaries of a community and which is under the care, custody, and control of the community.

(t) “Location” means a staffed sales office that lists or sells, or lists and sells, new or pre-owned homes.

~~(+)~~(u) “Manufactured housing commission” has the same meaning as “commission” as defined in section 2(c) of the act.

~~(u)~~(v) “Operator” means an individual 18 years of age or older who is an officer of a corporation, a manager or member, if member managed, of a limited liability company, a general partner, a copartner, or a sole proprietor. ~~who is directly responsible for the operation of a licensee and who is designated as such for licensure purposes~~

~~(v)~~(w) “Optional improvement” means an amenity in new community construction or existing licensed community expansion that is not required under the community construction rules contained in these rules.

(x) “Payments” does not include payments collected by a retailer on behalf of either a lender, in order for financing to be approved, or a state or local governmental agency, in order to apply for permits, and forwarded by the retailer to the lender or governmental agency.

~~(w)~~(y) “Permanent foundation” means a base upon which a home is placed that is not subject to excessive movement caused by changes in weather or home weight distribution.

~~(x)~~(z) “Purchase agreement,” for the purpose of records maintained under these rules, means an express written agreement in which a person agrees to buy, and another person agrees to sell, a home and includes specific home identification information, which shall include all of the following information:

(i) Year of manufacture or year on previous certificate of manufactured home ownership.

(ii) Serial number if available.

(iii) Name of manufacturer.

(iv) Model name or number.

(v) The agreed to price of the home.

(vi) Each buyer-selected option and accessory. ~~not listed on the manufacturer’s invoice~~

(vii) Other costs to the buyer, such as taxes and certificate of manufactured home ownership fees.

~~(y)~~(aa) “Purchaser” means a retail purchaser.

~~(z)~~(bb) “Retailer” has the same meaning as “mobile home dealer” as defined in section 2(h) of the act. A community that rents or leases homes within the community is not required to be licensed as a retailer, but shall comply with the retailer business practices rules. A lender that only sells homes it has repossessed is not required to be licensed as a retailer.

~~(aa) “Retail sale” means the sale, exchange, or offering of a home, accessory, or item of equipment for a home directly to a consumer.~~

~~(bb) “Salesperson” means either of the following:~~

~~(i) An individual who, for direct or indirect compensation, negotiates the purchase, sale, or exchange of a home through a licensed retailer.~~

~~(ii) An individual who, for direct or indirect compensation, engages in the business of listing, offering, or attempting to list, selling or offering to sell, buying or offering to buy, appraising or offering to appraise, or leasing or offering to lease a home through a licensed retailer.~~

(cc) “Seasonal community” has the same meaning as “seasonal mobile home park” as defined in section 2(m) of the act.

(dd) “Successor” means a person who obtains all of the assets and liabilities of a former owner.

(ee) “Terminate” means ceasing activities authorized under the terms and powers of a license specified in the act.

~~(ee)~~(ff) “Year of manufacture” means the calendar year in which a home is manufactured.

(2) Terms defined in the act have the same meanings when used in these rules.

R 125.1106 Commission; conflict of interest.

Rule 106. A commissioner or commission committee member shall not participate in a decision or discussion leading to a decision relating to a business entity in which the commissioner or commission

committee member has a financial or personal interest. However, a commissioner or commission committee member may be present in the meeting room during the discussion and decision.

R 125.1120 Proposed higher standard; filing; approval and disapproval; adoption by ordinance.

Rule 120. (1) Under section 7(1) of the act, local governments proposing a higher standard than specified in these rules shall, after public hearing, file the proposed standard with the department for the commission's review and approval.

(2) The filing shall be in letter form and shall contain, but not be limited to, all of the following information:

(a) The current specific standard for which a higher standard is being proposed.

(b) The proposed higher standard.

(c) A statement or statements setting forth the reasons for a standard that is higher than the existing standard.

(d) A statement or statements that the proposed higher standard is not designed to generally exclude homes or persons who engage in any aspect pertaining to the business of homes.

(e) A statement or statements comparing the proposed higher standard with the standard applicable to other types of housing. The standard applicable to other types of housing shall be submitted with the statement or statements.

(f) Any other information and data that provides justification for the proposed higher standard.

(3) The commission shall approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission and shall notify the local government, in writing, of its decision. If the commission denies the request, then the local government is entitled to a hearing before the commission or its designated representative under sections 71 to 87 of 1969 PA 306, MCL 24.271 ET SEQ. ~~Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.287 of the Michigan Compiled Laws, and known as the administrative procedures act.~~

(4) If the commission does not approve or disapprove the proposed higher standard within 60 days after the standard is filed with the commission at the department, then the standard shall be considered approved unless the local government has granted the commission additional time to consider the proposal.

(5) After receipt of approval, or if the 60 days or extended time limit has lapsed, the local government may adopt the standard by ordinance.

R 125.1125 Proposed higher standard; intent to deny; order.

Rule 125. (1) The commission may deny a proposed higher standard by local government under the provisions of section 7(1) of the act. The department shall notify the local government by certified mail or personal delivery of the preliminary order of intent to deny. The preliminary order of intent to deny constitutes notification within the 60-day time limit, and extension if any, under the act.

(2) The preliminary order of intent to deny shall automatically be final 15 days after the date of receipt of the order by a local government, unless the local government requests, in writing, a hearing before the commission or its designated representative under the provisions of section 71 of 1969 PA 306, MCL 24.271 ET SEQ. ~~Act No. 306 of the Public Acts of 1969, as amended, being §24.271 of the Michigan Compiled Laws, and known as the administrative procedures act.~~

R 125.1130 Aggrieved persons; hearing.

Rule 130. A person who is aggrieved by a decision of a ~~any~~ local government action that might violate ~~sections 7 and 18 of the act~~ shall be given an opportunity for a hearing ~~by the commission or its designated representative, under section 4(1)(c) and (d) of the act, to review the local decision provided~~

that a written request is received by the department not more than 60 days from the date a decision is rendered by the local government.

R 125.1185 Home Construction Standards.

Rule 185. (1) All new homes ~~manufactured to be sold in the United States or new homes~~ sold within Michigan shall be in compliance with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 et seq. and parts 3280 and 3282, under the national manufactured housing construction and safety standards act of 1974, as amended, 42 U.S.C. §601 et seq. The standards are adopted by reference in these rules. Copies of the adopted standards may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20204, at no cost., ~~or from~~ Copies may also be obtained from, or are available for inspection at, the Department of Consumer and Industry Services, ~~Corporation and Land Development~~ Bureau of Construction Codes, ~~Manufactured Housing and Land Development Division~~, ~~P.O. Box 30703~~, 2501 Woodlake Circle, ~~Lansing~~ Okemos, Michigan 4890948864, at no cost.

(2) All new or pre-owned United States department of housing and urban development-approved homes brought into or sold within the state of Michigan shall be in compliance with the requirements for the appropriate roof load. All homes sited on July 16, 1998, ~~the effective date of this subrule~~ may be sold on the home site. ~~and are not subject to this subrule.~~

(3) The dividing line between the south roof load zone (20 pounds per square foot) and the middle roof load zone (30 pounds per square foot) shall be the centerline of highway M-55 west from Tawas City to the intersection of highway M-115 and then northwest along the centerline of M-115 to Frankfort. The beginning and end of the dividing line shall be at waters' edge.

R 125.1192 Posting of complaint notice.

Rule 192. A licensee shall post, in a conspicuous place, the following statement for resolving complaints:

“Under the Mobile Home Commission Act you have the right to file a ~~valid~~ complaint that pertains to violations of that act or rules published under the act. Before a complaint can be filed under ~~this~~ the act or ~~these~~ rules, you must notify the manufactured home manufacturer, community, retailer, or installer and servicer in writing that a problem exists. If ~~it does not provide~~ a reasonable response is not received within ~~45~~10 business days of receipt of your complaint, you may file a complaint with the Michigan Department of Consumer and Industry Services, ~~Corporation and Land Development~~ Bureau of Construction Codes, ~~Manufactured Housing and Land Development Division~~ Office of Local Government and Consumer Services, P.O. Box ~~30703~~30222, Lansing, Michigan 48909. Please note that only complaints about violations ~~pertaining to~~ of the mobile home commission act or ~~these~~ rules can be accepted by the ~~Division~~ Department. Examples of complaints may regard any of the following:

1. Purchase of manufactured homes, goods, or services and applicable warranties.
2. Lease or rental agreements.
3. Manufactured home communities.
4. Metering of utilities.
5. Manufactured home installation and service.

Complaints pertaining to manufactured home community rent costs do not fall under the authority of the act.”

R 125.1192a Complaint Process

Rule 192a. (1) The complainant shall send an alleged complaint to the respondent in writing of the alleged violation, giving the respondent 10 business days to respond.

- (2) A person may file a complaint with the department, on a form prescribed by the department, pertaining to a violation of the act and rules.
- (3) The department shall send the complaint to the respondent if the department determines there is a potential violation of the act or rules.
- (4) The respondent shall respond to the complaint in writing to the department within 10 business days after receipt from the department or attempted delivery of the complaint.
- (5) If the respondent does not respond to the complaint in writing within 10 business days after receipt, the department shall send the complaint to the alleged respondent a second time.
- (6) The respondent shall respond to the complaint in writing to the department within 5 business days after receipt from the department under subrule (5) of this rule.
- (7) If the respondent does not respond to the complaint under subrule (6) of this rule, then the department shall send an order to answer via certified mail to the respondent directing a response.
- (8) Under subrule (7) of this rule, the respondent shall respond to the order to answer within 10 business days after receipt from the department or attempted delivery of the complaint.
- (9) If the respondent does not respond to the order to answer under subrule (8) of this rule, then the department shall initiate administrative action against the respondent.
- (10) If the respondent responds to the complaint or order to answer, the department shall send the response to the complainant.
- (11) The complainant shall respond to the response in writing to the department within 10 business days after receipt.
- (12) If the complainant does not respond to the response within 10 business days after its receipt, or notifies the department in writing that the response is satisfactory, then the department shall close the complaint file.
- (13) If the complainant notifies the department in writing that the response is not satisfactory, then the department shall determine whether the respondent has violated the act or these rules.
- (14) If the department determines that the respondent has not violated the act or rules, then the department shall notify the complainant and the respondent in writing and shall close the complaint file.
- (15) If the department determines that the respondent has violated the act or rules, then the department shall notify the complainant and the respondent in writing of the required remedial action and the deadline by which the remedial action shall be completed.
- (16) When the remedial action is complete, the respondent shall notify the department in writing and provide documentation that the remedial action is complete.
- (17) If the department is satisfied that the remedial action is complete, then the department shall notify the respondent and complainant of this determination and then shall close the file.

PART 2. LICENSING

R 125.1201 Rescinded. ~~Application; form; filing.~~

~~Rule 201. (1) An applicant shall file a completed original licensing application with the department on a form prescribed by the department not less than 30 days before the date on which the applicant intends to be a retailer and engage in retail sales or intends to be an installer and servicer and install or service homes.~~

~~(2) If a licensing application is for a new community, then the applicant shall file an application with the department, on a form prescribed by the department, after completion of construction of the part of the community to be licensed but before homes are occupied.~~

~~(3) If a licensing application is for a community that was previously owned by another person, then the applicant shall file an application with the department, on a form prescribed by the department, not more than 30 days after the applicant records the deed to the community.~~

R 125.1202a Rescinded. Credit reporting.

~~Rule 202a. An individual, including all general partners or copartners in a partnership and officers of a corporation applying for an initial license under the act or these rules, shall submit a credit report as part of the application process, unless the department obtains the report directly from the credit reporting agency. The credit reporting agency shall forward the credit report to the department. Credit reports shall be for the confidential use of the department only and shall not be available for public inspection under section 13(1)(a) of Act No. 442 of the Public Acts of 1976, as amended, being §15.243(1)(a) of the Michigan Compiled Laws, and known as the freedom of information act.~~

R 125.1202b Disclosure.

Rule 202b. Under section 38 of the act, ~~when~~ if filing an application under the act or these rules, all general partners or copartners in a partnership; officers of a corporation; managers or members, if member managed of a limited liability company; or sole proprietors shall provide all of the following information:

(a) A conviction or administrative or civil judgment rendered against them within 10 years before the date of the application in connection with any aspect of the business of homes, which includes, but is not limited to, sales, brokering, installation, servicing, financing, and insuring homes or any aspect of community ownership, management, operation, development, or construction.

(b) A conviction or administrative or civil judgment rendered against them within 10 years before the date of application in connection with a violation of a statute regulating the offering of securities or franchises or regulating builders, real estate brokers, or real estate agents or a violation of 1972 PA 286, MCL 565.801 et seq. ~~Act No. 286 of the Public Acts of 1972, as amended, being §565.801 et seq. of the Michigan Compiled Laws, and known as the land sales act.~~

(c) Information necessary to conduct ~~A~~ a criminal record check on a form provided by the department.

R 125.1202c Operator.

Rule 202c. On the application for licensure, a person shall identify an operator, who shall sign the application and be directly responsible for the operation of the licensee.

R 125.1203 Rescinded. Application; filing as successor.

~~Rule 203. If an applicant files an application for the license as a successor, whether or not the successor is then in existence, the application shall meet all the requirements of an original application and shall be filed with the department within 10 days after the date the interest was acquired.~~

R 125.1204 Applications; changes. additions, or corrections.

Rule 204. An applicant shall file a change to a licensing application with the department within ~~10~~30 days after the change is made.

R 125.1209 License issuance licensee's true and assumed names required to appear on license; duplicate license.

Rule 209. A license may be issued to a person who meets the requirements of the act and these rules. The licensee's true name and assumed name ~~if applicable, must~~ shall appear on ~~its~~ the license. ~~The~~

~~department shall issue a duplicate license after the licensee submits a verified statement of loss of the original license to the department.~~

R 125.1210 Rescinded. License issuance; age of individual.

~~Rule 210. An individual shall be 18 years of age or older to be issued a license.~~

R 125.1211 Rescinded. License; issuance to operator.

~~Rule 211. A license shall be issued only if the individual who applies for the license is the operator.~~

R 125.1211a Use of similar names on license prohibited; exception.

~~Rule 211a. After the effective date of this rule, a person who receives a~~ A new licensee may not conduct business under a name ~~have a true or assumed name~~ which is so similar to the ~~true or assumed name on~~ under which an existing licensee is conducting business that it would be confusing to the public. This rule does not apply to a ~~person who has an existing licensee and that receives a new license of the same type for, or adds to its existing license,~~ another location if the ~~true or assumed name of the other location is similar to the true or an assumed name on the existing license~~ to its license.

R 125.1212 License; request for renewal; fee.

~~Rule 212. A request for the renewal of~~ An application for license renewal ~~a license~~ shall be on a form provided by the department and shall be accompanied by the ~~following fee, as applicable:~~ fee prescribed by section 21 of the act.

~~(a) The fee specified in section 21(4) of the act for a retailer license.~~

~~(b) The fee specified in section 21(5) of the act for an installer and servicer license.~~

~~(c) The fee specified in R 125.1305 for a community license.~~

R 125.1213a License; failure to renew; expiration.

~~Rule 213a (1) If a licensee fails to file a license renewal application with the department before October 1, then the license held shall expire in compliance with sections 16 and 21 of the act.~~

~~(2) A license that is issued under the act shall expire annually on September 30~~ October 1.

R 125.1214c Return of suspended or revoked license.

~~Rule 214c. The holder of a license or licenses issued under the act shall return the license or licenses to the department within 5 days of notification of~~ after suspension or revocation. Return shall be made either personally, for which receipt shall be obtained, or by certified mail.

R 125.1214d Local government; licensing.

~~Rule 214d. A local government shall not require a person licensed under the act to obtain a local license or to register its license unless the requirement is established by ordinance and the ordinance is approved by the commission under the provisions of section 7~~ (2) of the act.

R 125.1214e Original license required to engage in retail sale of homes.

~~Rule 214e. A retailer shall not engage in the retail sale of homes until the retailer receives an original license from the department~~ An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be a retailer.

R 125.1214f Surety bonds; cancellation.

Rule 214f. (1) A surety bond of \$10,000.00 or a deposit of \$10,000.00 in cash or securities, made out payable to ~~“People of the “State of Michigan,”~~ on a forms prescribed by the department, is required for each retailer location. and shall accompany an application for a retailer’s license

~~(2) Cancellation of the surety bond required by subrule (1) of this rule is cause for suspension or revocation of a retailer license.~~

~~(3)(2) If a surety bond is not renewed before the cancellation date in effect, then the retailer shall stop all sales activity.~~

R 125.1214g Master-Retailer’s license; master-license amendments; application for amendments; “location” defined.

Rule 214g. (1) An applicant shall obtain a master-license for each the principal-location from which the applicant proposes to operate by filing the completed application form prescribed by the department.

~~(2) Separate applications shall be filed for each sales location. If the applicant intends to operate sales locations in addition to the principal location, then the applicant shall, on a form prescribed by the department, apply for an amendment to the master license for each location.~~

~~(3) The applicant shall be required to file an application form with appropriate fees for the master license and for each amendment.~~

~~(4) When applying for amendments to a master license, an applicant shall comply with the requirement for a location surety bond under R 125.1214f.~~

~~(5) As used in this rule, “location” means a staffed sales office that lists or sells, or lists and sells, new or pre-owned homes.~~

R 125.1214h Temporary retailer location.

Rule 214h. (1) A retailer’s license shall notify the department in writing of a temporary sales location is ~~not required for home exhibition and sales at locations~~ such as a shopping centers, public shows, or other similar limited-term general public events for home exhibition and sales.

~~(2) The length of the exhibition and sales shall not be more than exceed 20 calendar days at any one time and shall not be more than exceed a total of 60 calendar days within a 12-month period.~~

~~(3) A retailer shall notify the department, in writing, before placing homes at temporary locations. The notice shall include the name of the event, address, and inclusive dates for the exhibition and sales.~~

R 125.1214i Installer and servicer; licensing required.

Rule 214i. (1) An applicant shall submit a completed licensing application to the department on a form prescribed by the department before the date on which the applicant intends to be an installer and servicer.

~~(1)(2) A person who, for compensation installs or disassembles the installation of homes, including their nonpermanently affixed steps, skirting, and anchoring systems, or who services homes, for which service another Michigan license is not required, shall be licensed as an installer and servicer.~~

~~(2)(3) Before applying for an original or renewed-renewal installer and servicer license, an the operator authorized representative of the applicant shall complete a department-approved installation instruction program within the current licensing year.~~

~~(3) Pursuant to the provisions of the act, a manufacturer may install and service homes that it manufactured without an installer and servicer license.~~

~~(4) An individual who is employed by a manufacturer as an installer and servicer is not required to obtain a license unless the employee engages in the installation and servicing of homes on his or her own behalf, outside the scope of his or her employment with the manufacturer.~~

R 125.1214j Rescinded. ~~Installer and servicers; liability and worker's compensation insurance; cancellation.~~

~~Rule 214j. (1) As a condition of licensing, an installer and servicer shall maintain liability insurance of not less than \$1,000,000.00 and worker's compensation insurance. Finished product liability shall not be a condition of the insurance coverage required by this rule.~~

~~(2) If an installer and servicer's liability or worker's compensation insurance is canceled, then the installer and servicer shall immediately stop all business activity and the department shall be notified within 10 days of the cancellation.~~

R 125.1214k Operation of community; license required-Community license application.

~~Rule 214k. A person shall not operate a community within this state unless the person has a license issued by the department.~~ (1) If a licensing application is for a new community or an expansion to an existing community, then the applicant shall submit a completed application to the department on a form prescribed by the department.

(2) If a licensing application is for a community that is or was licensed to another person, then the applicant shall submit a completed application to the department on a form prescribed by the department not more than 30 days after the date the community is conveyed by deed or land contract.

(3) After conveyance, the applicant is responsible for operation of the community.

R 125.1214l License; issuance upon receipt of department of environmental quality certification of compliance; conditional license; "conditional license" defined.

~~Rule 214l. (1) The department may issue a license upon receipt of a~~ Before licensing, a community shall obtain certification of compliance from the department of environmental quality that a community-the community is licensable.

(2) If the department of environmental quality issues a conditional ~~certificate~~-certification of compliance to the department, then the department ~~may~~ shall issue a conditional license. All conditions set forth in the conditional certification of compliance shall be filed with the department. ~~A conditional license may be issued if the applicant or licensee and the department stipulate to a schedule that corrects the deficiencies. Even though the department of environmental quality has issued an unconditional certificate, the department may, after notice of hearing, issue a conditional license if other sections of the act and these rules are not met by the licensee or applicant. As used in this subrule, "conditional license" means a license which is limited by time or terms, or both, and which may be extended by the department within the license year without payment of additional fees.~~

R 125.1214m Rescinded. License; application for renewal; tax payment statement.

~~Rule 214m. In addition to other information prescribed by these rules to be part of an application for the renewal of a community license, the department shall receive a written and signed statement from the local tax authority stating that all specific taxes are paid to date under Act No. 243 of the Public Acts of 1959, as amended, being §125.1035 et seq. of the Michigan Compiled Laws, and known as the mobile home park act.~~

R 125.1214n New community and additional home sites license; application; issuance; conditions.

~~Rule 214n. (1) An application for a new community license shall be submitted to the department under the provisions of R 125.1201 to R 125.1214d and R 125.1214k to R 125.1214n.~~

(2) ~~On a form prescribed by the department, the owner or operator of an existing licensed community who has expanded the community under a plans approval and permit to construct shall apply to add the additional home sites to the community's existing license.~~

~~(3)~~(1) Except as provided in subrule (2) of this rule, ~~B~~before the department issues an initial license for a new community or adds additional home sites to the community's existing license, all of the following shall be certified to be complete under the provisions of section 14 of the act:

(a) Internal roads servicing the completed home sites. The owner may construct ~~except the department may allow the final lift of the road to be constructed in the next construction season if a bond covering the cost of constructing the final lift is delivered to the department before licensure. The bond shall be made payable to the "State of Michigan".~~

(b) Home site individual sidewalk.

(c) Common sidewalks, if provided, servicing the completed home sites.

(d) Parking servicing the home site.

(e) Patios, if provided.

(f) Permanent foundations.

(g) Internal road lighting servicing the completed home sites. ~~Except in a seasonal community, a licensed and occupied home site or a licensed home site that is unoccupied 24 months or more after licensure shall meet the light intensity standard set forth in R 125.1929.~~

(h) At a minimum, the stabilization of the soil on the completed home sites to prevent, as much as possible, erosion and soil runoff.

~~(4)~~(2) Upon approval by the department, all of the following may be ~~installed~~constructed after licensing of a home site for the purpose of customizing the home site to a specific home:

(a) The home site individual sidewalk.

(b) Parking on the home site.

(c) Patio, if provided.

(d) Light fixture, if on the home site.

(e) Permanent foundation.

~~(5) The owner of a community may be required to post a performance bond in an amount that covers the costs of completion of construction as determined by the department. The bond shall be made payable to the "State of Michigan" and shall be submitted to the department with a community's application.~~

~~(6)~~(3) The applicant shall file ~~A~~all of the following documents ~~shall be filed~~with the license application for a new community or additional home sites ~~license~~:

(a) An affidavit signed by the community owner or operator and an engineer or architect stating that the construction was completed according to the approved plans and specifications under the provisions of section 14 of the act. If the community owner or operator elects to complete the home site under the provisions of subrule ~~(3)~~(2) of this rule, then the affidavit shall specifically state that the home site construction shall be completed before the home is occupied and shall be completed according to the approved plans and specifications. The affidavit shall cite the specific home sites to be licensed by home site number.

(b) Certification of the community sewer system by home site number under the provisions of R 325.3391.

(c) Certification of the community-owned electrical system by home site number under the provisions of R 325.3391.

~~(7)~~(4) Before the department may issue a license, the department shall receive ~~Upon~~certification of the home sites by the Michigan department of environmental quality under the provisions of section ~~17(1)~~16(3) of the act; ~~the department may issue a license.~~

~~(8)~~(5) It ~~shall be~~is a violation of this rule and section 16 of the act if any home that is placed on a home site is occupied by residents before the home site is licensed. In a licensed community, each home site that has a home occupied by residents shall be licensed whether or not it is being offered to the public.

PART 3. FEES

R 125.1302 Certificate of manufactured home ownership; application; fees.

Rule 302. (1) ~~A seller or the seller's authorized representative shall, on a form prescribed by the department, file a~~ An application for a certificate of manufactured home ownership and the appropriate fee shall be filed on a form prescribed by the department with the department or its authorized representative within 30 days after the closing of the sale transaction. In addition, a late fee of \$15.00 shall be charged if the application is filed after the 30-day limit. The payment of a late fee does not preclude administrative action being taken against the ~~seller~~purchaser or the ~~seller's~~purchaser's authorized representative.

(2) ~~An additional fee of \$5.00 shall be added to all other fees if a certificate of manufactured home ownership is requested to be issued expeditiously.~~

(3) ~~A seller or the seller's authorized representative shall pay the appropriate amount of sales tax at the time of filing the application.~~

R 125.1310 Rescinded. Late fee.

Rule 310. ~~A nonrefundable late fee equal to the original fee shall be charged for any license issued under the act if timely application is not made by the applicant pursuant to the submission date contained in these rules or the act. The payment of a late fee does not preclude administrative action being taken against the applicant.~~

R 125.1320 Rescinded. Fees for public documents.

Rule 320. (1) ~~Upon written request, the department shall provide to the requestor copies of any document retained by the department that is determined to be a matter of public record.~~

(2) ~~A minimum fee of \$5.00 shall be charged for any request. For requests that exceed the minimum fee, the following schedule of fees applies:~~

- (a) Standard document.....\$.25 per page.
- (b) Certified document.....\$ 5.00 per page.
- (c) Microfiche.....\$.50 per fiche.
- (d) Magnetic tape.....\$ 21.70 per reel.
- (e) Cassette tape.....\$ 20.00 per cassette.
- (f) Hearing transcript.....\$.50 per page.
- (g) Computer print out.....Actual cost.
- (h) Postage.....Actual cost.
- (i) Labor.....\$ 4.09 per hour.

(3) ~~All fees shall be paid by cash, by check or money order payable to the State of Michigan, or by other means as determined by the department and authorized by law.~~

PART 4. RETAILER BUSINESS PRACTICES

R 125.1401 Advertising; prohibited activities.

Rule 401. A retailer, in connection with the sale of homes, equipment, or accessories, shall not, directly or indirectly, engage in any of the following activities:

(a) Advertise a home for sale if the name of the retailer does not appear in the advertisement. A home committed by a home owner to a retailer for sale may be advertised if the offer visibly states that the home is "offered on consignment."

- (b) Advertise a home and falsely offer any year of manufacture, make, type, model, serial number, fixed location, price, equipment, or terms or make a claim or condition to the sale of a home that is not truthful.
- (c) Advertise the phrase “close out,” “final clearance,” or “going out of business” or similar phrases in connection with home sales ~~without clarification if this~~ unless the phrase is true. ~~is not the case~~ A retailer who is going out of business shall comply with the provisions of 1961 PA 39, MCL 442.211 et seq. ~~Act No. 39 of the Public Acts of 1961, as amended, being §442.211 et seq. of the Michigan Compiled Laws, an act which includes regulation of the sales activities of businesses that are going out of business.~~
- (d) Advertise the term “authorized retailer” if the retailer is not a manufacturer’s authorized retailer or advertise as a franchised retailer ~~when if the retailer is not a registered franchised retailer under 1974 PA 269, MCL 445.1501 et seq. Act No. 269 of the Public Acts of 1974, as amended, being §445.1501 et seq. of the Michigan Compiled Laws, and known as the franchise investment law.~~
- (e) Advertise a home by making inaccurate, misleading, or false comparisons with competitors’ services, prices, products, quality, or business methods.
- (f) Use a picture or photograph of a home in advertising if the picture or photograph does not represent a home of the same year of manufacture, make, and model and does not contain all the standard equipment of the model that is actually being offered for sale at the price quoted in the advertisement.
- (g) Advertise a home for sale in a manner that conveys or creates an erroneous impression as to which home is being offered at the advertised price.
- (h) Advertise the statement “write your own deal” or “name your own price” or similar statements, unless the statements are true and a buyer can, in fact, negotiate his or her own price.
- (i) Advertise the phrase “at cost,” “below cost,” “below wholesale,” “below invoice,” “above cost,” “above wholesale,” or “above invoice” or similar phrases, ~~in connection with a retail sale unless the phrases are true.~~ As used in this subsection, “cost” means the actual price paid by a retailer to a manufacturer for a specific home as that price appears on the retailer invoice received from the manufacturer.
- (j) Advertise a specified trade-in amount or range of amounts for a pre-owned home without offering the advertised trade-in amount or range of amounts regardless of the condition of the pre-owned home when presented to the retailer for trade-in by a prospective customer, unless the statement “subject to condition appraisal” is contained in the advertisement.
- (k) Advertise that “no retailer has lower prices,” “the retailer is never undersold,” or statements of similar meaning, unless the statements are true.
- (l) Advertise in a manner that is false or misleading as to what a new home guarantee, warranty, or protection includes.
- (m) Advertise the phrase “manufacturer’s warranty,” unless referring to a new home covered by a bona fide written manufacturer’s warranty.
- (n) Advertise equipment, accessories, or other merchandise as “free” if the cost, or any part of the cost, is included in the quoted price of the home.
- (o) Advertise the phrase “no credit rejected” or “we finance everyone” or similar phrases, unless the phrases are true.
- (p) Advertise the offering of a rebate or referral bonus unless true.
- (q) Advertise a home as new, unless it has never been occupied. A home which is not of a current year of manufacture, but which has never been occupied, may be advertised as new if the year of manufacture is stated in the advertisement.
- (r) Advertise, or infer by advertising, that a home is “repossessed,” unless it is true.
- (s) Advertise in any manner which infers that a purchaser will be receiving benefits of an existing loan on a home if the benefits do not exist.

- (t) Advertise pre-owned homes as carrying an unused portion of the original manufacturer's warranty, unless this is true.
- (u) Advertise the terms of financing a home, unless the advertisement is in compliance with all of the requirements of the federal truth in lending act, 15 U.S.C. §601 et seq., and the accompanying regulation Z, 12 C.F.R. part 226 et seq.
- (v) Advertise under any other name than that which appears on the retailer license.
- ~~(w) Advertise in a manner which implies that a retailer represents an entity other than itself, unless it is true.~~
- ~~(x)(w)~~ Advertise for the buying of a home without the telephone number and the name of the retailer.

R 125.1402 Accounts and records; record of homes bought, sold, or exchanged; content; application for certificate of manufactured home ownership; purchase agreement; retention of additional records; consumer deposit records; accounts and records inspection; bond, cash, or security deposit records.

Rule 402. (1) In addition to accounts and records that are required by local ordinances, by other laws, or as prescribed elsewhere in these rules, a retailer shall maintain a record of all homes bought, sold, or exchanged for 4 years. The record shall include all of the following entries:

- (a) The date each home is taken into inventory.
 - (b) The name and address of the person from whom the home was obtained.
 - (c) The purchase or stock number of the home.
 - (d) The identification number of the home.
 - (e) The manufacturer's trade name.
 - (f) The year of manufacture and model name or number of the home.
 - (g) The dates bought, sold, and exchanged.
 - (h) The name and address of the purchaser.
- (2) If a retailer is selling or brokering the home, except to another retailer that will be holding the home for resale, the retailer or its authorized representative shall prepare and file an application for a certificate of manufactured home ownership, which shall include any lien held against the home. If a retailer is selling or brokering the sale of a home that it was holding for resale, except to another retailer that will be holding the home for resale, it shall also file the application for a certificate of manufactured home ownership. The application shall be on a form prescribed by the ~~commission and shall be filed with the~~ department.
- (3) All sales of a home shall be executed by purchase agreement.
- (4) A retailer shall retain all of the following documents for 4 years:
- (a) A copy of the manufacturer's invoice for each new home.
 - (b) A copy of each purchase agreement, as defined in these rules, with any attachments needed to complete the purchase agreement for each home bought, sold, and exchanged.
 - (c) The retailer's copy of the validated application for a certificate of manufactured home ownership.
 - (d) Service records for each home sold. If the home is pre-owned, all records that the retailer may have knowledge of shall be retained.
 - (e) A list of all options purchased with a specific home, unless otherwise contained in the purchase agreement.
 - (f) A copy of the retail installment sales agreement for all retailer-arranged financing.
- (5) A retailer that maintains an escrow account shall maintain a separate record of consumer deposits at its principal place of business for 4 years. The records shall consist of all of the following:
- (a) A record that shows the chronological sequence in which consumer deposits are received and disbursed.

(b) For consumer deposits received, the record shall include all of the following information:

- (i) The date of receipt.
- (ii) The name of the individual who is giving the consumer deposit.
- (iii) The name of the individual receiving the consumer deposit.
- (iv) The amount.

(c) If the consumer deposit is in the form of collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.

(d) For disbursements, the record shall include all of the following information:

- (i) The date.
- (ii) The payee.
- (iii) The check number.
- (iv) The amount.

(e) A running balance shall be shown after each entry of receipt and disbursement.

~~(6) All accounts and records that are required by these rules to be retained shall be available for inspection by an authorized representative of the department during normal business hours.~~

~~(7)~~(6) A retailer who maintains a bond, cash, or security deposits in place of an escrow account shall maintain a record for 4 years consisting of the following:

(a) For consumer deposits received, the record shall include all of the following information:

- (i) The date of receipt.
- (ii) The name of the individual who is giving the consumer deposit.
- (iii) The name of the individual receiving the consumer deposit.
- (iv) The amount.

(b) If the consumer deposit is collateral or security other than cash or a cash negotiable instrument, then the record shall specifically identify the collateral or security, and the cash value shall be the same as contained in the purchase agreement.

(c) For disbursements, the record shall include all of the following information:

- (i) The date.
- (ii) The payee.
- (iii) The check number.
- (iv) The amount.

~~(8)~~(7) The retail installment contract shall disclose all arrangements made between the retailer and the consumer regarding the ~~down-payment~~ consumer deposit, such as any of the following:

- (a) Trade-ins.
- (b) Rebates.
- (c) Promissory notes.
- (d) Cash.

R 125.1403 Consumer deposits; providing consumer with executed purchase agreement; recording amount of ~~down-payment~~ consumer deposit; refunds; notice to consumer of intent to cancel purchase agreement; accepting deposits and agreements in name of retailer; escrow accounts; alternative to escrow account; notice of refund on purchase agreement.

Rule 403. (1) Before receiving a consumer deposit, a retailer shall give the consumer an executed purchase agreement.

(2) Unless the retailer has a consumer deposit bond or cash or security deposits under subrule (9) of this rule, a consumer deposit shall be placed in an escrow account and remain there until the closing. After the closing, the retailer may transfer the deposit to a general account.

~~(2)~~(3) A retailer shall record the exact amount of the ~~down-payment~~ consumer deposit on each request for financing that is sent to a lending institution.

~~(3)~~(4) A retailer shall refund to a consumer the total amount of a consumer deposit on the purchase of a home not more than 15 banking days after a request for financing has been rejected by the lending institution or if the consumer cancels the purchase agreement before the binding date under subrule ~~(8)~~(13) of this rule. The consumer shall notify the retailer, in writing, of his or her intent to cancel the purchase agreement. The notification shall be delivered to the retailer by certified mail postmarked before the close of the business day on the binding date to be eligible for return of the consumer deposit. A retailer has no obligation to refund the consumer deposit if the consumer cancels the purchase agreement of a new or pre-owned home after the binding date. As used in this ~~subsection~~-subrule, “binding date” means either 7 days after the date that a purchaser of a home receives a legible copy of the executed purchase agreement or the time at which the purchase agreement is executed if an application for certificate of manufactured home ownership is executed within 7 days.

~~(4)~~(5) An employee who accepts consumer deposits and purchase agreements in the name of a retailer ~~shall be deemed to be~~ is authorized by the retailer to accept the deposits.

~~(5)~~(6) As a condition of licensing, a retailer shall establish an escrow account, post a consumer deposit bond, or deposit cash or other securities in compliance with the provisions of section 24(c) of the act for the protection of consumer deposits received by the retailer.

~~(6)~~(7) If a retailer establishes an escrow account, ~~it~~ the retailer shall place all consumer cash deposits or similar negotiable instruments of the consumer’s deposit in the escrow account by the end of the second banking day following receipt. Escrow accounts shall be maintained as checking accounts.

~~(7)~~(8) A retailer may maintain ~~more than 1~~ an escrow account at each location where it maintains records. A retailer may maintain not more than \$500.00 of its own funds in each deposit escrow account to cover bank service charges and to avoid the account being closed or overdrawn if there are no other funds in the account. The funds shall be accounted for in a bookkeeping system as prescribed in these rules.

~~(8)~~(9) In place of an escrow account, a retailer may maintain, for each location, a consumer deposit bond or cash or security deposits in an amount equal to the highest monthly receipts of consumer cash deposits and cash value of other security recorded over the previous 3 years. If the highest monthly receipts formula is used to determine the amount of the bond or deposit, then the amount of the bond or deposit shall be adjusted to reflect the previous 3 years’ experience before a license is renewed. If at any time the consumer deposits received exceed the amount of the bond or deposit established under the formula, then the retailer shall immediately increase the amount of the bond or deposit or escrow the excess amount.

~~(9)~~(10) If a retailer posts a bond or deposits cash or other securities, then the retailer who files an initial application shall maintain the bond, cash, or other securities at a minimum of \$10,000.00 per location until sufficient data is available to comply with the formula. If the retailer has more than 1 location, then the required bonds or deposits may be combined into 1 bond or deposit.

~~(10)~~(11) All bonds shall be made ~~out~~-payable to the “State of Michigan” on a form prescribed by the department and shall accompany an application for a retailer’s license. All cash or security deposits shall be deposited with the State of Michigan upon application for a retailer’s license. If the application is for a renewal license only, and if a copy of the bond is on file and the bond is continuous or if the cash or securities are on deposit, then this subrule shall not apply.

~~(11)~~(12) If a retailer establishes an escrow account, then the retailer shall file, with the department, on a form prescribed by the ~~commission~~-department, an affidavit attesting to the fact that account has been established. The affidavit shall be filed as an enclosure to the retailer license application.

~~(12)~~(13) The front of each purchase agreement shall contain the following statement in not less than 8-point, ~~Gothic~~-boldfaced, all caps type:

“Seven days after the purchaser receives a legible copy of the executed purchase agreement, or if any time within the 7 days an application for a certificate of manufactured home ownership is ~~signed by both the purchaser and seller,~~ fully executed, the sale is final and the retailer is not obligated to refund the consumer deposit if the purchaser subsequently cancels the agreement. If the purchaser elects to cancel the purchase agreement within the 7 day limit and an application for a certificate of manufactured home ownership has not been ~~signed by the seller and purchaser,~~ fully executed, the purchaser shall notify the retailer in writing by certified mail postmarked before the end of the 7th seventh day to be eligible for full refund of the consumer deposit.” ~~The provisions of this subrule do not apply if a retailer is acting as a broker.~~

R 125.1404 Prohibited business practices.

Rule 404. (1) In addition to other laws and rules promulgated for the purpose of regulating business practices, a retailer shall not engage in any of the following practices:

(a) Without the express written consent of the purchaser, alter or substitute a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser’s consent shall become an attachment to the purchase agreement.

(b) Without the express written consent of the purchaser, alter, substitute, or remove a part, option, accessory, or item of standard equipment of a home purchased from inventory for which a purchase agreement has been executed by all parties to the transaction. The purchaser’s consent shall become an attachment to the purchase agreement.

(c) Without the express written consent of the purchaser, alter, or substitute a part or entry of, a purchase or financing agreement after the agreement has been executed by all parties to the transaction. The purchaser’s consent shall become an attachment to the purchase or financing agreement.

~~(d) Perform repairs on a home, including an option, accessory, or item of standard equipment of a home, that results in the alteration or substitution to the manufacturer’s construction and performance standards in effect at the time of manufacturing.~~

(2) A retailer shall comply with the provisions of 1976 PA 331 MCL 445.901 et seq. ~~Act No. 331 of the Public Acts of 1976, being §445.901 et seq. of the Michigan Compiled Laws, and known as the Michigan consumer protection act.~~

**R 125.1405 ~~Disclosure of business relationships with lending institutions and insurance companies~~
Retail installment sales agreements; retailer-obtained financing or insurance; payment of floor plan lender; pay off of loan.**

Rule 405. (1) A retail installment sales agreement utilized by a retailer shall conform to the federal consumer credit protection act, Public Law 90-321, 15 U.S.C. §1601 et seq., and to 1966 PA 224, MCL 445.851 et seq. ~~Act No. 224 of the Public Acts of 1966, as amended, being §445.851 et seq. of the Michigan Compiled Laws, and known as the retail installment sales act. Any retail installment sales agreement shall fully disclose the terms and conditions of finance charges in credit transactions or in offers to extend credit.~~

(2) A retailer shall not require retailer-obtained financing or insurance of a home as a condition of sale.

(3) A retailer shall pay its floor plan lender for a home within 15 days after the retailer receives payment for the home from a purchaser or a purchaser's lender.

(4) A retailer shall pay off a loan on a home within 15 days after taking the home in trade or receiving payment for the home unless the requirement is waived by the homeowner, borrower, and the lender holding the loan on the home.

R 125.1407 Retailer termination.; ~~“terminating” defined.~~

Rule 407. (1) Immediately upon determining to terminate, a retailer shall do all of the following:

(a) By certified mail, notify ~~all of the following entities with whom the retailer is doing business~~ the department of its proposed termination:

~~(i) The department.~~

~~(ii) Each bonding agency.~~

~~(iii) Each financial and loaning institution.~~

~~(iv) Each manufacturer of a new home for which the retailer is an authorized agent.~~

~~(v) Each insurance company.~~

(b) By certified mail, notify each purchaser of a new or pre-owned home who within 1 year before the proposed termination date, purchased a home from the retailer that the retailer shall be terminated. The notification shall clearly state the responsibilities for future service and repair under guarantees and warranties, financial claims, and all other retailer claims and obligations previously issued under the purchase agreement.

~~(c) By certified mail, send a complete list of all home purchasers to each manufacturer of new homes sold by the retailer 1 year before the proposed termination date. The list shall contain all of the following information:~~

~~(i) The name and most recent known address of the purchaser.~~

~~(ii) The name, model, and serial number of the home.~~

~~(iii) The date the manufacturer's warranty was effective.~~

~~(iv) The remaining warranty.~~

~~(2) In addition to complying with the notice requirements specified in subrule (1) of this rule, a retailer shall, before the department terminates the retailer license, send the department, by certified mail, a statement that contains its proposal of the settlement of all service, warranty and guarantee, and financial obligations previously issued by the retailer under an agreement. The proposed settlement of service, guarantee, and warranty obligations shall clearly state the retailer's commitments under previously issued agreements.~~

(3)(2) A terminated retailer shall retain all accounts and records prescribed by these rules for 4 years after the date of retailer termination.

(4)(3) If required, a retailer who terminates shall surrender all accounts and records to the department.

~~(5) If, in the judgment of the department, disclosure regarding a matter under investigation is warranted, the department may require a retailer who is terminating to provide, to the department, in the form and manner that the department may specify, any records necessary to conduct any investigation the department is authorized under the act to perform.~~

~~(6) Records may include documents, ledgers, writings, or transcriptions indicating financial transactions relating to the sale, purchase, offer to sell, or rental of homes, home sites, or equipment relating to homes or home sites. Records may also include evidence of any fiduciary or escrow relationships or obligations created by the transactions specified in this subrule.~~

(7)(4) The person from whom records are requested shall provide the records to the department not later than 15 days after the date the person receives written notice of the request, unless advised otherwise by the department.

~~(8) Failure to provide information sought under the provisions of this rule is a violation of the act.~~

(9)(5) A retailer that is terminating shall post a sign which states that the retailer is terminating. ~~The sign shall be provided by the department.~~

(10) ~~As used in this rule, the term "terminating" means the intent to cease activities authorized under the terms and powers of a retailer's license specified in the act.~~

R 125.1408 Warranties and service.

Rule 408. ~~(1) A new home sold by a retailer situated in this state shall be covered by a written warranty from the manufacturer or retailer.~~

~~(2)~~(1) A manufacturer shall warrant that ~~the~~a new home is free from substantial defects in materials or workmanship—failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, and was delivered to the retailer in that condition. ~~A manufacturer or retailer shall also warrant that the Michigan laws and rules existing at the time of construction as to fire protection and detection were complied with.~~The standard is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the Superintendent of Documents. P.O. Box 371954, Pittsburgh, PA 15250-7954, at a cost as of the time of adoption of these amendatory rules of \$29.00.

~~(3)~~(2) A retailer shall warrant that ~~the~~a new home is free from substantial defects in materials or workmanship ~~when sold to the buyer~~—failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, as referenced in subrule (1) of this rule, which occurred after the manufacturer delivered the home to the retailer but before home installation begins.

~~(4)~~(3) A manufacturer and retailer shall warrant that they, ~~or 1 of them~~, shall take appropriate corrective action at the site of the home for breach of their respective warranty obligations ~~for a defect that becomes evident within 1 year from the later of the date of the delivery—completed installation or purchase of the home to the purchaser.~~ However, the purchaser must give written notice of the defect to the manufacturer or retailer at its last known business address not later than 1 year and 10 days after the date of delivery of the home to the first retail buyer—completed installation or purchase.

~~(5)~~(4) A home—The warranty shall includes the structure, plumbing, electrical, heating, and fire detection systems installed in the home and the appliances situated in the home, unless the appliances are covered by a warranty from the appliance manufacturer that equals or exceeds the warranty provided in subrules (1), (2), and ~~(4)~~(3) of this rule.

R 125.1409 Retailer acting as broker; responsibilities.

Rule 409. (1) A retailer acting as a broker who obtains a home listing shall give a true copy of the listing agreement to the listing homeowner. A listing agreement shall be completed by the retailer acting as a broker before it is signed by the listing homeowner.

(2) A listing agreement shall set forth an expiration date. A listing agreement shall not contain a provision requiring the listing homeowner to notify the retailer acting as a broker of the listing homeowner's intention to cancel the listing on or after the expiration date.

(3) A retailer acting as a broker shall deliver to an offeror a signed copy of the offer to purchase immediately after it is signed by the offeror. Upon receipt of the written offer to purchase, a retailer acting as a broker shall promptly deliver the written offer to purchase to the seller. Upon obtaining a proper acceptance of the offer to purchase that is signed by the seller, the retailer acting as a broker shall promptly deliver true copies of the acceptance to the purchaser and the seller. A retailer acting as a broker shall certify, in writing, that all conditions of the home transaction are included in the offer to purchase.

(4) A retailer acting as a broker who is involved in the consummation of a home transaction shall furnish the buyer and seller with a complete and detailed closing statement which is signed by the retailer acting as a broker and which shows all receipts and disbursements of the transaction.

(5) A retailer acting as a broker shall not close a home transaction contrary to the terms or conditions of the offer to purchase, unless the written amendments are approved and signed by the purchaser and the seller.

(6) A person seeking an exclusion to the definition and rules of a retailer shall show proof of the exclusion.

(7) In addition to accounts and records prescribed by these rules, a retailer acting as a broker shall retain copies of all of the following for a period of 4 years:

(a) Listing agreements.

(b) Offers to purchase.

(c) Validated receipts for applications for a certificate of manufactured home ownership.

(d) Closing statements.

(e) Leasing agreements.

~~(f) Each written complaint received.~~

~~(g)~~(f) Consumer deposit accounts and records.

R 125.1410 Retailer; place of business.

Rule 410. A retailer shall maintain a ~~place of business that is an actual, physically established location in Michigan from which it conducts business. can be conducted. A place of business shall have accounts and records available for inspection by a representative of the department during normal business hours.~~ A post office box, secretarial service, telephone answering service, or similar entity does not constitute ~~an actual, a physically established location.~~

R 125.1411 Retailer or agent; prohibited activities.

Rule 411. (1) A retailer or agent of a retailer shall not do any of the following:

(a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.

(b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for, an unlicensed person.

(c) Allow one's license to be used by an unlicensed person.

(d) Be acting as or be an apparent licensed retailer for an undisclosed person or persons who do or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.

(e) Buy or acquire, directly or indirectly, an interest in a home that is listed with the retailer, unless the true position of the retailer or agent is clearly made known in writing, to the listing owner.

(f) Acquire, directly or indirectly, an option to purchase a particular home, unless the true position of the retailer or agent is clearly known through a written notice to the homeowner of the particular home who requested the services of the retailer or agent to transact the brokering of the particular home.

(g) When buying or acquiring an interest in a home, directly or indirectly, charge or accept from the seller, directly or indirectly, a commission, fee, or other valuable consideration as a result of the sale of the home in the transaction without receiving the seller's previous written consent to the specified consideration, given after the notice provided in subdivision (f) of this subrule.

(h) Enter into a net listing agreement with a homeowner or seller in which the retailer receives, as its payment, all monies in excess of the minimum sales price agreed upon by the retailer and the seller.

(2) Upon a request by the department, a retailer ~~or salesperson~~ shall present proof of compliance with this rule.

(3) A retailer shall not purchase or otherwise acquire a home from a person unless the certificate of manufactured home ownership for the home is conveyed to the retailer by the current homeowner or homeowners, their legal heirs, or their designated agent.

(4) A retailer shall not enter into a listing agreement with any person other than the person or persons indicated on the certificate of manufactured home ownership, their legal heirs, or their designated agent.

R 125.1413 “Other transfers” explained.

Rule 413. “Other transfers,” as used in section 30c(3)(b) of the act, includes the following transfer: If a homeowner dies owning 1 or more homes that have a total value of not more than \$10,000.00 and does not leave other property that requires the procurement of letters administration or letters testamentary under section 114 of 1978 PA 642, MCL 700.14 ~~Act No. 642 of the Public Acts of 1978, as amended, being §700.14 of the Michigan Compiled Laws, and known as the revised probate code,~~ then the surviving husband or wife or heir in the order named in section 115 of 1978 PA 642, MCL 700.15 ~~Act No. 642 of the Public Acts of 1978, as amended, being §700.15 of the Michigan Compiled Laws,~~ may apply for a certificate of manufactured home ownership. Before applying, the surviving husband or wife or heir shall provide the department proper proof of the death of the homeowner. The surviving husband or wife or heir shall also attach an affidavit to the proof of death that sets forth the fact that the prospective applicant is the surviving husband or wife or heir. Upon proper petition, the department shall furnish the applicant with a certificate of manufactured home ownership.

R 125.1415 Retailer; disclosures in purchase and listing agreements.

Rule 415. A retailer shall do both of the following:

- (a) Disclose in the ~~purchase~~-listing agreement that the home offered is located on a home site in a community and, if required, that the ~~purchaser must~~-seller has obtained approval for the sale of the home on the home site in the community. ~~and approval for her or his tenancy in the community.~~ The listing agreement shall also disclose the compensation to be received by the retailer upon closing.
- (b) Disclose in the ~~listing~~-purchase agreement that the purchaser has obtained approval for his or her tenancy in the community. ~~compensation to be received by the retailer upon closing.~~

R 125.1416 Rescinded. Retailer; disclosure of salespersons.

Rule 416. ~~(1) At the time of initial application or renewal of a license, a retailer shall disclose the name of each salesperson. The disclosure shall be on a form prescribed by the commission.~~

~~(2) If a salesperson terminates employment or has his or her employment terminated by the retailer during the license year, then the retailer shall notify the department, in writing, within 30 days after termination.~~

~~(3) If a salesperson is hired during the license year, then the retailer shall notify the department, in writing, within 30 days after hiring.~~

R 125.1417 Retailer; supervision and control.

Rule 417. (1) It shall be a failure upon the part of a retailer to exercise supervision and control of an employee if the retailer has knowledge that a provision of the act or these rules pertaining to regulation of retailers is being violated by an employee and immediate action is not taken to correct the violation so as to insure compliance with the act or these rules.

(2) A retailer shall have the burden of proof to show compliance with this rule.

~~(3) Failure to comply with this rule may, after opportunity for hearing, result in a license denial, revocation, or suspension.~~

R 125.1419 Certificate of origin; addendum to application for certificate of manufactured home ownership.

Rule 419. (1) The certificate of origin shall be attached as an addendum to the application for a certificate of manufactured home ownership when filing for an original certificate of manufactured home ownership.

(2) For the purpose of complying with subrule (1) of this rule, the certificate of origin shall be immediately surrendered by the lender holding such certificate to the retailer upon request.

(3) The department may authorize the issuance of a certificate of manufactured home ownership without the manufacturer's certificate of origin if the department is satisfied as to the ownership of a home and is unable to obtain the certificate.

PART 5. INSTALLER AND SERVICER BUSINESS PRACTICES

R 125.1501a “Work order” defined.

Rule 501a. As used in this part, “work order” means an express written agreement in which a person agrees to install or service a home and includes the installer and servicer's license number.

R 125.1503 Place of business.

Rule 503. An installer and servicer shall maintain a ~~place of business that is an actual, physically established~~ physical location in Michigan from which it ~~can and does~~ conducts business. ~~A place of business shall have accounts and records available for inspection by a representative of the department during normal business hours.~~ A post office box, secretarial service, telephone answering service, or similar entity ~~is does not constitute an actual, a physically established~~ location.

R 125.1503a Warranty.

Rule 503a. (1) An installer and servicer shall warrant that a new home is free from failures to conform, as defined in Part 3282 – manufactured home procedural and enforcement regulations promulgated under the national manufactured housing construction and safety standards act of 1974, which occurred during the installation of the home. This standard is adopted by reference in R 125.1408.

(2) An installer and servicer shall warrant that it shall take appropriate corrective action at the site of the home for breach of its warranty obligations that become evident within 1 year from the later of the date of the completed installation or purchase. However, the purchaser must give written notice to the manufacturer, retailer, or installer and servicer not later than 1 year and 10 days after date of completed installation or purchase.

R 125.1504 Work orders; estimates; warranties; abandonment.

Rule 504. (1) All installation and service of a home shall be executed under a work order. The conditions set forth in a work order may vary according to type of work required and desired specifications, but at a minimum shall include the specific work to be performed and itemized costs based on information available at the time the work order is executed. The work order may be used for separate cost estimates or as a receipt for customer deposits. All conditions of the installation or service shall be included in the work order.

(2) All estimates for installation and service of a home shall be executed under a work order.

(3) Changes in a work order shall not be made by an installer and servicer without the express written consent of the customer. ~~Verbal consent shall be noted on the work order.~~

(4) If, for any reason, an installer and servicer intends to abandon a work order, ~~it~~ the installer and servicer shall notify each customer for which it has outstanding obligations under the conditions of the work order of the exact reason for abandonment. Notice shall be in writing and by certified mail.

Abandonment of a work order by an installer and servicer includes, but is not limited to, the following acts or omissions:

- (a) Failure to start and complete work according to the conditions of the work order, unless the express written consent of the customer is given.
- (b) Failure to request, within 7 days after the work order has been executed, the necessary permits to perform the work agreed upon in the work order, unless the express written consent of the customer is given.
- (c) Failure to maintain the schedule of performance agreed upon in the work order without good cause, unless the express written consent of the customer is given.
- ~~(5) As used in this part, "work order" means an express written agreement in which a person agrees to install or service the home and includes the permanent identification license number assigned by the department.~~

R 125.1505 Retention of documents.

Rule 505. (1) All of the following documents shall be retained by an installer and servicer for 4 years:

- (a) Accounts and records required by local ordinances, other laws, and these rules.
- (b) A copy of each work order with attachments.
- ~~(c) A copy of each written complaint.~~
- (2) All accounts and records that are required by these rules to be retained shall be available for inspection by an authorized representative of the department during normal business hours.

R 125.1507 Voluntary termination; retention of accounts and records.

Rule 507. (1) An installer and servicer may ~~voluntarily~~ terminate after notifying by certified mail both ~~all~~ of the following entities of its intent to terminate and the proposed date of termination:

- (a) The department.
- (b) Each customer to which it has outstanding obligations pursuant to the conditions of a work order and warranty, ~~if given.~~
- ~~(c) Each manufacturer of a new home for which it is an authorized agent.~~
- ~~(d) Each insurance company with which it is doing business.~~

~~Notice shall be by certified mail.~~

- (2) A terminated installer and servicer shall retain all accounts and records prescribed by these rules for 4 years after the date of termination.

R 125.1508 Unlawful practices.

Rule 508. (1) Without the express written consent of a customer, an installer and servicer shall not install or service a home or a part, option, accessory, or item of standard equipment of a home that, to the best of its knowledge, will result in an alteration or substitution to the manufacturer's installation, construction, and performance standard in effect at the time of manufacture. The customer's consent shall be attached to the work order.

(2) If a customer desires installation or service that alters or substitutes the manufacturer's standard, then the engaged installer and servicer shall notify the customer ~~, on a form prescribed by the commission,~~ by certified mail or personal delivery, that, to the best of its knowledge, the desired installation or service alters or substitutes the manufacturer's standard and that the alteration or substitution may void the manufacturer's warranty.

- (3) An installer and servicer shall not do any of the following:

- (a) Divert money or other security that is received for the prosecution or completion of an installation or service, or both, of a home or a part, option, accessory, or item of equipment of a home under the conditions of the work order.
- (b) Fail to account for or remit money in the installer and servicer's possession that belongs to others.
- (c) Willfully depart from or disregard plans, specifications, or the conditions set forth in the work order without the written consent of the customer.
- (d) Willfully violate or disregard the building laws, codes, and ordinances of the state or a political subdivision of the state, including failing to obtain the permits that are required for the installation or service, or both, of a home.
- ~~(e) Make a misrepresentation or a false promise that is likely to influence, persuade, or induce.~~
- ~~(f)(e) If requested by a lender for the disbursement of funds, f-Fail to furnish deliver to a customer the customer's signed completion certificate-work order executed upon completion of the installation or service performed under the conditions of the work order.~~
- ~~(g)(f) Fail to deliver to a customer the entire executed work order, including itemized costs of materials and other changes-charges arising out of, or incidental to, the work order for the installation or service, or both, of a home before the work commences.~~
- ~~(h)(g) Aid or abet an unlicensed person to evade the provisions of the act or rules promulgated under the act; knowingly combine or conspire with, or be acting as agent, partner, or associate for, an unlicensed person; allow one's license to be used by an unlicensed person; or be acting as, or be an apparent licensed installer and servicer for, an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.~~

PART 6. HOME INSTALLATION

R 125.1601 Definitions.

Rule 601. As used in this part:

- (a) "Anchoring equipment" means straps, cables, turnbuckles, chains, including tension devices, or other securing devices that are used with ties to secure a home to ground anchors.
- (b) "Anchoring system" means a combination of ties, anchoring equipment, and ground anchors that will, when properly installed, resist the movement of an ~~implaced~~-emplaced home caused by wind forces.
- (c) "Cap" means a 2-inch or more solid concrete block, a 2-inch or less solid pressure-treated wood or hardwood block that resists decay, or a 1/4-inch or more solid steel plate that is placed on top of the pier. The dimensions of the cap shall be the same width and length of the pier.
- (d) "Factory installed" means any construction or installation of any integral part of a home at the site of manufacture or at the site of installation and includes any of the following:
 - (i) Water supply hookup from the water riser to the water supply inlet.
 - (ii) Sewer system hookup from the sewer riser to the drain or drains outlet.
 - (iii) Fuel supply systems hookup from the service supply connection to the fuel supply inlet.
 - (iv) Electrical supply line from the main service line to the home service entry if the connection is a simple plug-in and does not require direct wiring or exceed a service of 50 amps.
- (e) ~~"Foundation f-Footing"~~ means that part of the ~~support~~-foundation system that lies directly on the ground or below the surface of the ground and on which the piers are placed. ~~When~~-If a foundation footing is below the surface of the ground, it shall be 16 inches or more in diameter and at least 42 inches ~~deep~~-below grade. The ~~foundation~~-footing may be less than a 42-inch depth if supported by a

soils analysis. A footing shall be constructed in compliance with R 408.30401 et seq. of the Michigan building code.

(f) ~~(k) "Support"~~ Foundation system" means a combination of ~~foundation~~-footings, piers, caps, ~~plates~~, and shims that will, when properly installed, support a home.

(g) "Ground anchor" means any device designed to transfer the home anchoring loads to the ground or foundation.

(h) "Installation" means the process of setting a home, including its non-permanently affixed steps, skirting, and anchoring systems, on a foundation footing. The term includes all of the following: ~~if under a signed work order~~

(i) Leveling.

(ii) Stabilizing, if required.

(iii) Connecting utilities, including water meters, under subdivision (d) of this rule.

(i) "Pier" means the vertical portion of the home support system between the ~~foundation~~-footing and the home frame, exclusive of caps, ~~plates~~, and shims.

(j) "Shim" means a tapered ~~hardwood~~-wedge of hardwood or other approved material which has a maximum thickness of 1 inch, which is a minimum of 3 inches wide and 6 inches long, and which, when driven in tightly in pairs between the cap ~~or plate~~ and the home frame I-beams, performs as a lending and stabilizing device.

(k) "Stabilizing system" means a combination of properly installed anchoring and support systems.

(l) "Tie" means a strap, cable, or a securing device that is used to connect a home to ground anchors.

R 125.1602 Installation.

Rule 602. (1) For all new homes brought into or sold in Michigan, the manufacturer shall provide express written instructions for the installation of each home specifying the location and required design load capacity of the piers and the location and the required design load capacity of any other recommended stabilizing systems, if required. All homes shall be installed according to the manufacturer's installation instructions. The person installing a home has the option of installing a plastic vapor barrier on the ground under the home, unless the manufacturer's installation instructions specifically mandate the placement of the vapor barrier. Crossbeaming shall not be allowed under a home installed after ~~the effective date of this rule~~ July 16, 1998, unless approved by the manufacturer of the home. In the case of a pre-owned home, the approval also may be given by a licensed design professional ~~engineer~~-registered in compliance with the requirements of 1980 PA 299, MCL 339.101 et seq.

(2) In the absence of the manufacturer's installation instructions, the installation of homes shall be in compliance with specifications prepared by a licensed design professional ~~engineer~~-registered in compliance with the requirements of 1980 PA 299, MCL 339.101 et seq. or, if a licensed design professional ~~engineer~~ is not available, in compliance with all of the following specifications:

(a) All grass shall be removed and the foundation footing shall be installed on or in stable soil.

(b) Piers shall be installed directly under each main frame beam, unless crossbeamed after approval from the manufacturer of the home or a licensed design professional ~~engineer~~-registered in compliance with 1980 PA 299, MCL 339.101 et seq.

(c) ~~Piers shall be placed on not more than 10-foot centers along the length of each main frame beam. If the piers interfere with the axle area, then they may be placed to a maximum of 13-foot centers, but the pier placement shall not be less in number than if placed on 10-foot centers.~~ Footing and pier spacing shall not exceed the minimum span identified in table A-1 and a positive grade shall be established.

Table A-1

Soil Capacity	1500 PSF	2000 PSF	2500 PSF	3000 PSF	3500 PSF	4000 PSF
Footing Size (a)(f)	24"x24"x6"	22"x22"x6"	20"x20"x6"	18"x18"x6"	16"x16"x6"	16"x16"x6"
Spacing:						
Main Beams	6' (ii)(iii)	6' (ii)(iii)	6' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)	8' (ii)(iii)
Perimeter	(v)	(v)	(v)	(v)	(v)	(v)
Marriage Beam	8' (ii)(iv)	8' (ii)(iv)	8' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)	10' (ii)(iv)

(i) All footings shall extend 42 inches below actual grade. The footing may be less than the 42-inch depth if supported by a soil analysis. A footing shall be installed in compliance with R 408.30401 et seq. of the Michigan building code.

(ii) Piers shall be located under each main beam and marriage line beam starting within 2 feet from the end of each beam then spaced according to this table.

(iii) Piers may be offset up to 1 foot to allow for such obstruction as axles (if permanently attached to frame).

(iv) Additional piers shall be added on each end of every opening in the marriage wall which is 4 foot or larger and shall be considered columns.

(v) Perimeter piers shall be installed on sidewall openings greater than 4 foot and exterior doors.

(vi) Footing shape may be other than square. Maintain equal amount of footing area.

~~(d) Crossover heat ducts shall not lie on the ground. Heat duct strapping shall not restrict the opening.~~

~~(e)(d) Piers shall be installed under the center beam/marriage line of multisectional homes at all interior openings of more than 4 feet on the marriage wall and at each end of the marriage line. The piers shall be placed on a compatible foundation footing.~~

~~(f)(e) The piers nearest each end of the home shall be within 2 feet of either end of the home frame.~~

~~(g) Piers shall be constructed of solid concrete or cored concrete blocks, unless other cored concrete blocks are supplied by the customer, or shall be constructed using any other acceptable design and construction commonly used within the home industry.~~

~~(h)(f) Concrete block piers shall be constructed of regular~~ at least 8-inch by 8-inch by 16-inch blocks and placed on the foundation footing. The blocks shall be placed with the open cells vertical. A cap shall be placed on top of the pier. A wood plate that has the same dimensions as the pier and cap may be placed on top of the cap for additional leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame I-beam and shall not take up more than 1 inch of vertical height.

~~(i)(g) Pier tiering shall be in compliance with all of the following requirements:~~

(i) Piers 30 inches in height or less above a footing may be single-tier construction composed of 8-inch by 8-inch by 16-inch open cell concrete blocks that conform to ASTM standard C 90-8599. The standard is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory

rules of \$25.00. Blocks shall be capped with 2-inch by 8-inch by 16-inch hardwood or treated wood, with a solid concrete block cap, or with a 1/4-inch solid steel plate. Blocks shall be set with the openings vertical.

(ii) Piers that are more than 30 inches in height above a footing shall be double-tier construction with blocks interlocked and capped with a 4-inch by 16-inch by 16-inch solid concrete cap.

(iii) The concrete blocks of double-tier piers that are more than 80 inches in height above a footing shall be filled with concrete and steel reinforcing rods.

~~(j)(h)~~ Piers shall be installed perpendicular to the main frame of the home and shall not be offset from the foundation footing.

~~(3) Solid concrete piers may be of cone or pyramid design with a minimum 16-inch base tapered to a minimum 9-inch top. Shimming shall be the same as for the concrete block pier. Crossover heat ducts shall not lie on the ground. Heat duct strapping shall not restrict the opening.~~

(4) A home shall not be placed in a designated floodway, as determined by the Michigan department of environmental quality.

~~(5) A home that is sited within a floodplain shall have an anchoring system installed in compliance with R 125.1605 to R 125.1608.~~ An anchoring system shall be installed on a home.

~~(6) All homes and accessories located in communities shall be in compliance with the spacing requirements set forth in R 125.1941, R 125.1944, and R 125.1947a.~~ Permits shall be obtained for the construction of footings and accessories and the installation of homes from the enforcing agency charged with the administration and enforcement of the codes pursuant to Section 8a of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501 et seq.

R 125.1602a Installation; systems compatibility.

Rule 602a. All components used in the installation of a home, such as foundation footings and piers, shall be uniform in construction ~~and shall be compatible with any existing system that may be installed on the home site.~~

R 125.1603 Utility hookups.

Rule 603. All utility hookups to a home shall be in compliance with the following minimum standards:

(a) Water: Each home shall be connected to the service outlet by semirigid tubing, such as copper tubing or approved plastic piping. The minimum size of the threaded inlet connection shall be 3/4 of an inch ~~shall be 1/2 of an inch inside diameter or 5/8 of an inch outside diameter.~~ An easily accessible, hand-manipulated shutoff valve shall be installed on the water supply inlet to the home. A water supply protection device, such as a heat tape, which is approved to be sold or for use in this state by the state construction code commission and which is designed for use with homes, shall be installed at the time the home is installed on a home site to prevent service lines, valves, and riser pipes from freezing. The water service riser shall be insulated and covered to prevent the loss of heat. If an extension cord is used, it shall be listed by underwriters laboratories or by a similar organization and shall be approved for exterior use. The protection device shall be installed in compliance with the manufacturer's specifications as approved by the state construction code commission. It is the responsibility of the resident to provide protection for the water line from 1 inch beyond the underside of the home to 30 inches below the surface of the ground within the water crock or to the bottom of the crock, whichever is less.

(b) Home fuel supply systems shall be in compliance with all of the following provisions:

(i) Furnaces, hot water heaters, appliances, or any item of equipment that uses gas shall be fully compatible with the type of gas used. All fuel-burning appliances, except ranges, ovens, illuminating appliances, clothes dryers, solid fuel-burning fireplaces, and solid fuel-burning fireplace stoves, shall be

installed to provide for the complete separation of the combustion system from the interior atmosphere of the home. Combustion air inlets and flue gas outlets shall be listed or certified as components of the appliance. The required separation may be obtained by installing direct vent system (sealed combustion system) appliances or by installing appliances within enclosures so as to separate the appliance combustion system and venting system from the interior atmosphere of the home and ensuring that there is no door, removable access panel, or other opening into the enclosure from the inside of the home and that any opening for ducts, piping, wiring, or similar items is sealed. This paragraph applies to the installation of the systems specified in this paragraph in new and pre-owned homes.

(ii) An easily accessible, approved, hand-manipulated shutoff valve controlling the flow of gas to the entire gas piping system shall be installed as close as possible to the service meter or supply connection of the liquefied petroleum gas container. Approved piping that has a 1/2-inch or more inside diameter shall be used for any gas line. After the home is connected to the service meter or supply connection, the piping system shall be tested to not less than 10 inches nor more than 14 inches of water column (1/2 psi). An appliance connection shall be tested for leakage with soapy water or bubble solution.

(iii) A fuel supply system other than gas shall be in compliance with state ~~and local~~ codes. ~~and ordinances.~~

(iv) Fuel supply meters, regulators, shutoff valves, and pedestals shall not be located under a home or within a skirted area.

(v) Natural gas, liquefied petroleum gas (LPG), and fuel oil piping that connects the home to the service pedestal or tank shall be installed underground if the distance between the pedestal or tank and the home is more than 2 feet.

(c) Drain: Schedule 40 ABS or PVC plastic pipe that has the same diameter as the drain outlet shall be installed from the home outlet to the home site sewer service riser. The drain line shall be supported at not less than 4-foot intervals. Plumber's strapping shall be used for support where possible. All joints shall be sealed to preclude leaks. There shall be an approved seal at the sewer riser. All drain lines shall have a cleanout installed within 2 feet of each drain outlet.

~~(d) The electrical supply line from the service line to the home shall be completed in a safe and workmanlike manner. If the calculated load is more than 50 amperes or if a permanent feeder electrical supply line is used, then the line supply shall be connected by a person who is licensed under the provisions of 1956 PA 217, MCL 338.881 et seq. Act No. 217 of the Public Acts of 1956, as amended, being §338.881 et seq. of the Michigan Compiled Laws, and known as the electrical administrative act.~~

(e) Electrical meters and pedestals shall not be located under a home or within a skirted area.

(f) An electrical ~~power supply cord or permanent feeder~~ line shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the ~~power supply cord or permanent feeder~~ line shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the ~~power supply cord or permanent feeder~~ line shall be placed underground according to state ~~and local~~ codes.

R 125.1604a Compliance responsibility.

Rule 604a. A community is responsible for ensuring compliance with the spacing requirements in R 125.1941, R 125.1944, and R 125.1947a(3) for the installation of homes within the community. ~~A community may file a complaint under the act and these rules against a retailer or installer and serviceer who installs a home that is not in compliance with the requirements of these rules.~~

R 125.1604b Rescinded. Workmanship.

~~Rule 604b. All work associated with the installation of a home shall be performed according to acceptable industry standards.~~

R 125.1605 Anchoring systems.

Rule 605. (1) A home anchoring system that is sold or manufactured or installed within this state shall be in compliance with all of the following provisions:

(a) Be designed and constructed in compliance with the United States department of housing and urban development standards entitled “Manufactured Home Construction and Safety Standards,” which are adopted by reference in these rules. Copies of the standards may be obtained at no cost from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, or from the Department of Consumer and Industry Services, ~~Corporation and Land Development~~ Bureau of Construction Codes, ~~Manufactured Housing Land Development Division~~, P.O. Box 3022230254, Lansing, Michigan 48909.

(b) Be installed in compliance with its manufacturer’s specifications.

(c) Be approved to be sold and for use within this state by the state construction code commission.

(2) An anchoring system that is sold in this state shall be certified, in writing, by its manufacturer as meeting the standards required by these rules.

(3) An anchoring system manufacturer shall furnish, and ship with each approved anchor system, information pertaining to the type or types of soil the system has been tested and certified to be installed in and instructions as to the method of installation and the periodic maintenance required.

(4) The model number shall be permanently marked on each anchor system.

~~(5) A local government may require the installation of anchoring systems without obtaining the commission’s approval under section 7 of the act if the requirement is established by ordinance and the ordinance is in compliance with the requirements of this rule and R 125.1602.~~

R 125.1606 Rescinded. Anchoring systems; request for approval; exhibits.

~~Rule 606. (1) To obtain approval to sell a home anchoring system in this state, each system’s manufacturer shall, in letter form, submit a request for approval to the state construction code commission.~~

~~(2) The following exhibits shall be attached to the request for an approval letter:~~

~~(a) Detailed drawings of each type of anchor system. The drawings shall provide all of the following information:~~

~~(i) Brand name.~~

~~(ii) Name and address of manufacturer.~~

~~(iii) Model identification.~~

~~(iv) All dimensions.~~

~~(v) Type and location of welds or fastenings.~~

~~(vi) Type of materials.~~

~~(vii) Tie method.~~

~~(viii) Ground anchor method.~~

~~Each drawing shall bear the seal of an engineer who is registered in the state of the anchor system’s manufacturer or who is registered in the state of Michigan.~~

~~(b) Certified test results that were conducted by an accredited independent testing laboratory or engineering firm. The test results shall provide all of the following information:~~

~~(i) Model tested as described in the engineering drawings.~~

~~(ii) Method of installation.~~

~~(iii) Date of installation.~~

- ~~(iv) Date of test or tests.~~
- ~~(v) Type of test or tests.~~
- ~~(vi) Date and type of field test.~~
- ~~(vii) Soil profile description or descriptions in which tests were conducted.~~
- ~~(viii) Test equipment used.~~
- ~~(ix) Ground anchor used.~~
- ~~(x) Pounds of force exerted and resultant uplift of the anchor system.~~
- ~~(xi) Failure point of the anchor system.~~
- ~~(xii) A copy of the installation and periodic maintenance instructions that shall be provided with each model.~~

R 125.1607 Anchoring systems; changes in design, construction, and materials.

Rule 607. Changes in design, construction, and materials used in an approved home anchoring system shall not be made. If changes are made to an approved home anchoring system by the manufacturer, then the revised anchoring system shall be resubmitted to the state construction code commission for approval. ~~under R 125.1606~~

R 125.1608 Rescinded. Anchoring system; approval or disapproval to be sold and for installation; notice.

~~Rule 608. Within 90 days after receipt of the request for approval from the manufacturer of the anchoring system, the state construction code commission may approve or disapprove the system to be sold and for installation in this state. The manufacturer shall be notified, by certified mail, of the action taken and a copy shall be filed with the department.~~

PART 7. COMMUNITY SAFETY

R 125.1701 Speed limits; traffic signs; internal road signs.

Rule 701. (1) Speed limits on community internal roads ~~shall not exceed 15 miles per hour~~, shall be posted at a minimum at all community entrances intersecting public roads within 100 feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, MCL 257.1 et seq. ~~under Act No. 300 of the Public Acts of 1949, as amended, being §257.1 et seq. of the Michigan Compiled Laws, an act that regulates speed limits~~

(2) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.

(3) Internal roads shall be named and so identified by signs located at all internal road intersections.

(4) Signs bearing the words “Children Playing” shall be appropriately located on all internal roads adjacent to recreational and playground areas.

R 125.1702 Swimming pools.

Rule 702. Swimming pools shall be in compliance with ~~Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws, and known as the public health code, and R 325.2111 to R 325.2198 of the Michigan Administrative Code.~~ 1978 PA 368, MCL 333.1101 et seq. and R 325.2111 et seq. of the department of environmental quality rules for public swimming pools.

R 125.1702a Fire safety.

Rule 702a. The community management shall notify each resident in writing, upon occupancy, of all of the following:

- (a) The home site shall be kept free of fire hazards, including combustible materials under the home.
- (b) If fire hydrants are available within the community, then vehicular parking on internal roads is prohibited within 4015 feet of a hydrant in compliance with the requirements of 1949 PA 300, MCL 257.1 et seq.
- (c) Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.
- (d) 1974 PA 133, MCL 125.771 et seq. ~~Act No. 133 of the Public Acts of 1974, being §125.771 et seq. of the Michigan Compiled Laws,~~ which provides for home fire protection, requires that all homes manufactured, sold, or brought into this state shall be equipped with at least 1 fire extinguisher approved by the national fire protection association and 1 smoke detector approved by the state construction code commission. The homeowner of a home brought into this state for use as a dwelling shall have 90 days to comply with this act. ~~subdivision. Notification shall be in writing and may be through community rules.~~

R 125.1704 Emergency telephone numbers.

Rule 704. Immediately upon occupancy, the community shall provide each resident with a list containing, but not limited to, all of the following information:

- (a) The telephone number of the servicing fire fighting agency.
- (b) The telephone number of the servicing law enforcement agency.
- (c) The telephone number of the community office, including ~~the~~ any normal business hours and emergency telephone number where a representative of the community can be reached after normal business hours. ~~When an answering service is used, an individual~~ A representative of the community shall be available to respond to emergencies.

R 125.1705 Playgrounds and recreational and athletic areas.

Rule 705. (1) Each playground and recreational and athletic area shall be kept free of safety hazards. Playground equipment shall meet the American Society for Testing and Materials (ASTM) specification F1487-01, which is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864, or the American Society for Testing and Materials. A copy of this specification may be purchased from the American Society for Testing and Materials, 100 Barr Harbor, West Conshohocken, PA 19428-2959, at a cost as of the time of adoption of these amendatory rules of \$45.00.

(2) Playground equipment shall be inspected for defects by the community or its authorized representative once each calendar month when the playground equipment is in use. All defective equipment shall be removed, rendered unusable, or repaired immediately.

(3) A written record of the inspection shall be maintained at the community office. The record shall contain, but is not limited to, the date of inspection for each item of equipment, defects noted, if any, date corrected, and the name of the individual performing the inspection. These records shall be maintained in accordance with R 125.2007. ~~the rules pertaining to community accounts and records.~~

R 125.1708 Electrical maintenance.

Rule 708. (1) The community shall keep every building or structure or part thereof and any part of the community-owned electrical system in good repair.

- (2) The community shall maintain yard lights that are part of the community lighting system unless otherwise disclosed in the community rules established by each community.
- (3) Any part of the community electrical system that may present a real or potential safety hazard shall be immediately disconnected and repaired in compliance with R 408.30801 et seq. of the Michigan electrical code, ~~being R 408.30801 to R 408.30873~~ or shall be condemned so as to protect against injury or loss of life.
- (4) The homeowner shall ensure that the electrical ~~power supply cord or permanent feeder line~~ from the home to the pedestal is kept in good repair and in a serviceable condition. ~~If a power supply cord is used, it~~ The line shall be approved for home use.
- (5) Upon a determination of an electrical problem, the community shall, if the electrical system is community-owned, disconnect the home from the electrical pedestal on individually metered home sites. If direct billing by the servicing utility company is made, then the utility company shall disconnect the home's electrical service.
- (6) An electrical ~~power supply cord or permanent feeder line~~ shall not be installed so as to lie on the surface of the ground or permit the cord or line to hang over the home. For all homes installed before July 17, 1985, the ~~power supply cord or permanent feeder line~~ shall not be suspended less than 7 feet from the ground above designated pedestrian walkways. For all homes installed on or after July 17, 1985, if the distance between the electrical pedestal and the home is 2 feet or more, then the ~~power supply cord or permanent feeder line~~ shall be placed underground according to state and local codes.

PART 9. COMMUNITY CONSTRUCTION

R 125.1901 Definitions.

Rule 901. As used in this part:

- (a) "Access point" means the ~~intersection of the~~ main community ingress and egress road ~~entrance or entrances with a public thoroughfare.~~
- ~~(b) "Building envelope" means that part of the home site specifically designated for the placement of a home.~~
- ~~(c)(b) "Hard surface" means any surfacing method approved by the department that results in a satisfactory walking or driving surface. "Alley" means a public or private right-of-way that serves and is dedicated as rear access to a parcel or parcels of land.~~
- ~~(d)(c) "Ingress and egress road" means the internal road that connects a public road with the remainder of the internal road system of a community.~~
- ~~(e)(d) "Meter" means a nationally recognized and approved device that measures the quantity of water, electricity, natural gas, liquefied petroleum gas, or fuel oil used.~~
- ~~(f)(e) "Parking bay" means any area in which more than 2 parking spaces are provided other than on a home site.~~
- ~~(g)(f) "Plans approval and permit to construct" means a department order upon approval of an application for a plans approval and permit to construct that permits the construction of a community or home condominium, permits a licensed community or existing home condominium to add home sites, or approves the as-built plans of a licensed community for subsequent conversion to a home condominium. The order also permits the construction within the community or condominium of optional improvements, but does not relieve the developer or owner from the responsibility of obtaining the required permits under other statutes or regulations pertaining to the optional improvement to be constructed. The order does not relieve the developer or owner from obtaining electrical and plumbing permits or, if required, fuel system permits.~~
- ~~(h)(g) "Public thoroughfare" means a public road that provides access to a community.~~

R 125.1902a Home condominium; application; conversion of existing community to home condominium.

Rule 902a. (1) ~~Under section 127 of Act No. 59 of the Public Acts of 1978, as amended, being §559.227 of the Michigan Compiled Laws, and known as the condominium act, a~~ An application for the construction of a home condominium project shall be submitted to the department by the developer in compliance with section 127 of 1978 PA 1959, MCL 559.227.

(2) The application for the construction of a new home condominium or the expansion of an existing home condominium shall be filed under ~~R 125.1905~~ R 125.1909.

(3) An applicant applying for approval of construction plans and a permit to construct for the conversion of a community to a home condominium with expansion shall file the application according to R 125.1905.

(4) An existing community that does not meet the standards of construction set forth in this part and R 325.3311 et seq. of the Michigan Administrative Code may be converted to a home condominium if it is brought into compliance with the standards under a plans approval and permit to construct or if a variance is approved by the commission under R 125.1948.

R 125.1904a Preliminary plan; disapproval.

Rule 904a. (1) A municipality, county road commission, county drain commissioner, or local health department shall not disapprove a preliminary plan, as defined in section 11(1) of the act, based on a local standard that is higher than the standards contained in these rules, unless the higher standards are approved by the commission under the provisions of section 7 of the act and R 125.1120.

(2) If ~~the~~ a preliminary plan is disapproved by the agencies listed in subrule (1) of this rule based on a local standard which is higher than the standards contained in these rules and which has not been approved by the ~~director~~ commission, then the developer may petition the commission for review of the disapproval under R 125.1130. If the commission finds that the local standards are in conflict with the standards contained in these rules, then the developer may substitute the commission's finding for the disapproval of the agencies listed in subrule (1) of this rule under sections 4(1)(c) and (d), 7, and 11 of the act.

R 125.1905 Plans approval and permit to construct; application for approval; issuance of approval or intent to deny; validity; transferability.

Rule 905. (1) The department shall not issue a plans approval and permit to construct until all of the following are received from the developer and are approved by the department:

(a) One copy of the community construction plans and specifications under R 125.1906 to R ~~125.1910~~ 125.1909.

(b) The fee as specified in R 125.1315.

(c) On a form prescribed by the department, an application and required exhibits completely and accurately filled out and executed.

(2) All of the following exhibits shall be submitted with the application:

(a) Copies of all existing and proposed easements or dedications, if any. If easements or dedications do not exist, then the developer shall submit a statement to that effect with the application.

(b) A soils analysis, which shall be provided by a professional engineer, shall state that the soils are sufficiently stable so as to support the home and the permanent foundation.

(c) Evidence of title to the property, such as title insurance, a deed, a land contract, an owner's affidavit, or, if the property is not owned by the developer, the owner's affidavit attesting to ownership and the granting of permission to develop the community project. If the developer has an option to purchase the

property or is leasing the property, then the developer shall submit a copy of the purchase option or leasing agreement.

(3) Before the department issues a plans approval and permit to construct, the Michigan department of environmental quality shall issue to the department a construction plan approval pertaining to the public health aspects of the construction under sections 6(1) and 11(7) of the act, including all of the following approvals:

(a) Preliminary ~~A~~ approvals of the local health department, county road commission, county drain commissioner, and municipality or an affidavit from the developer which states that the statutory time limit of 60 days, under section 11(5) of the act, has expired without the unit of local government taking the appropriate action.

(b) Approval from the department of environmental quality, ~~if needed,~~ in compliance with the requirements of 1994 PA 451, MCL 324.101 et seq. ~~under Act No. 451 of the Public Acts of 1994, being §324.101 et seq. of the Michigan Compiled Laws, and known as the natural resources and environmental protection act,~~ if the project lies in a floodplain.

(c) Approval from the department of environmental quality, ~~if needed,~~ in compliance with the requirements of 1979 PA 203, MCL 281.701 et seq. ~~under Act No. 203 of the Public Acts of 1979, being §281.701 et seq. of the Michigan Compiled Laws, and known as the Goemaere-Anderson wetland protection act,~~ if the project lies in a wetlands area.

(4) The department shall issue a plans approval and permit to construct or intent to deny order within 90 days after receipt of a complete application or the plans are considered approved. The application shall be in compliance with the requirements in subrules (1), (2), (3), and (5) of this rule.

(5) The application shall be notarized.

(6) A plans approval and permit to construct shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plans approval and permit to construct was issued.

(7) A ~~plans approval and permit to construct is not transferable upon unless the transfer is approved~~ approval by the department.

(8) The department shall maintain the plans approval and permit to construct and a copy of the approved plans and specifications as a permanent record. A copy of the approved plans and specifications shall be at the construction site or readily available during construction.

R 125.1908 Construction plans; contents.

Rule 908. (1) A complete set of community construction plans shall include specifications and working drawings. The documents shall show the design, location, dimensions, materials, quality of materials, and workmanship standards necessary to construct the proposed community as related to internal road construction, utilities construction, home site construction, density, layout, open spaces, and other improvements to protect the health, safety, and welfare of community residents. Recreational facilities and any optional improvements shall be included in the plans. Specific plans shall include all of the following information:

(a) A cover sheet that contains all of the following:

(i) The name and location of the community.

(ii) A comprehensive sheet index.

(iii) List of abbreviations.

(iv) Schedule of symbols.

(v) A location map of the project depicting its relationship to the surrounding area.

(b) A site plan that shows all of the following:

- (i) The location of all structures, sidewalks, internal roads, parking, and public road frontage.
- ~~(ii) Proposed contours and related earthwork information to show how the site is to be graded.~~
- ~~(iii)(ii) Whether of benefit or burden, t~~ The dimensions and identity of all existing and proposed easements and encroachments.
- ~~(iv) A boundary survey of the property and legal description performed by a land surveyor who is registered in this state.~~
- ~~(v)(iii)~~ A survey bench mark shown by symbol and described with its elevation referenced to an official bench mark of the national geodetic survey or the United States geological survey, which are based on the national geodetic vertical datum of 1929.
- ~~(vi)(iv)~~ Identification of all contiguous properties or waterways.
- ~~(vii) On the first page of the plans, a location map of the project depicting its relationship to the surrounding area.~~
- ~~(viii)(v)~~ If the community lies within or abuts a 100-year floodplain, floodplain data showing the 100-year contour line to the point where it intersects with the boundaries of the community or its limits, whichever is greater. ~~If~~ Where a floodplain area exists, it shall be clearly labeled with the words "floodplain area." ~~A home building envelope shall not be placed at an elevation below 1 foot above the 100-year contour line.~~
- ~~(ix) If an expansion to an existing community, the dividing line between the expansion and existing community and the distances between the dividing line and any homes to be sited along the dividing line.~~
- (c) A typical home site at an enlarged scale that shows all of the following:
 - (i) Foundation construction.
 - (ii) Required distances from other structures under R 125.1941.
 - (iii) Details and location of sewer and water connections.
 - (iv) Details and location of the utility pedestal.
 - (v) Home site parking and other improvements.
 - (vi) Details showing ~~that subsurface gas distribution lines and electric lines will not be located under the home and that electric lines will not pass over the home.~~
- (d) Except in a seasonal community, a community lighting plan showing the location of all light fixtures and a detail of the fixture to be installed, including a note indicating compliance with the illumination requirements under R 125.1929. In a seasonal community, a community lighting plan showing the location of all light fixtures, if provided, and a detail of the fixture to be installed.
- ~~(e) The remainder of the plans required may be floor plans, sections and elevations, and related details as required to sufficiently describe the construction of the community.~~
- (2) Where appropriate, plans may be combined if legibility is not impaired.

R 125.1912 Filing changes in plans with department; notice of approval or disapproval.

Rule 912. A developer shall file ~~4~~2 copies ~~y~~ of bulletins, addendums, or shop drawings depicting changes with the department for approval before any physical changes are made. The department shall notify the developer of approval or disapproval within 20 days after receipt of the change. ~~After approval, the developer shall file 6 copies of the bulletins, addendums, or shop drawings depicting changes with the department.~~ The department shall return 1 copy to the developer.

R 125.1913 Rescinded. Filing affidavit certifying completion with department; submission of as-built plans and specifications to department.

~~Rule 913. (1) A developer shall prepare as-built plans for water, sewer, and storm drainage for all community construction projects. The developer shall file the plans with the department upon completion of the entire construction project.~~

~~(2) The as-built plans and specifications shall be an update of the original documents depicting all approved changes. Each sheet of the plans shall be labeled "As-Built Plans," shall be dated, and any notations referencing the project as "proposed" shall be removed.~~

R 125.1918 Field inspections.

Rule 918. The department ~~or its authorized representative may~~ shall make field inspections ~~it deems~~ necessary for an accurate evaluation and review of the community before, during, or after construction to ensure compliance with these rules and the approved plans.

R 125.1920 Internal roads; general requirements; local conditions.

Rule 920. (1) ~~An I-Internal roads is subject to approval~~ shall be approved by the department ~~and shall be~~ when they are in compliance with all of the following general requirements:

~~(a) The I-Internal roads shall have a hard surface~~ be constructed in compliance with R 125.1922(1).

~~(b) The I-Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by way of an alley is prohibited. As used in this subdivision, "alley" means a public or private right of way that serves and is dedicated as rear access to a parcel or parcels of land.~~

~~(c) An Dead end internal roads that has no exit at one end~~ shall terminate with ~~an adequate~~ a turning area radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.

~~(d) An adequate~~ safe-sight distance of 250 feet shall be provided at intersections.

~~(e) An o-Offsets at an intersections or an intersections of more than 2 internal roads is~~ are prohibited.

~~(f) The following types of I-Internal roads shall have driving surfaces that are with widths not less than the following: widths~~

~~(i) One way, no parking.....13 feet.~~

~~(ii)(i) Two way, n-No parking.....21 feet.~~

~~(iii) One way, parallel parking, 1 side.....23 feet.~~

~~(iv) One way, parallel parking, 2 sides.....33 feet.~~

~~(v)(ii) Two way, p-Parallel parking, 1 side.....31 feet.~~

~~(vi)(iii) Two way, p-Parallel parking, 2 sides.....41 feet.~~

(2) All entrances to new communities or new entrances to expanded communities ~~that have 300 home sites or more~~ shall be a minimum of ~~30~~33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:

(a) All turning lanes shall be a minimum of ~~40~~11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.

(b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.

(c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road ~~with a curved line that has a minimum radius of 15 feet~~ and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.

(d) Alternative designs that provide for adequate ingress and egress shall be approved by the department.

R125.1922 Internal roads; construction materials.

Rule 922. (1) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel ~~and materials suitable for subgrades and hard surface~~ in compliance with the standards of the American association of state highway and transportation officials (AASHTO), which is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, or from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, at a cost as of the time of adoption of these amendatory rules of \$480.00.

(2) The community developer may use other suitable materials of equal quality if approved by the department.

R 125.1925 Resident vehicle parking.

Rule 925. (1) All home sites shall be provided with 2 parking spaces.

(2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

(a) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the 2 parking spaces shall not be less than ~~19~~20 feet and the length shall not be less than 20 feet. In either method, the length shall be measured from the ~~curb or inner walkway~~ closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.

(b) A parking space shall be hard-surfaced.

(3) If vehicle parking is provided off the home site, then the parking spaces shall be adjacent to the home site and shall be in compliance with R 125.1926~~(5)~~(2) and ~~(6)~~(3).

R 125.1926 Additional parking facilities.

Rule 926. (1) A minimum of 1 parking space for every 3 home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The ~~parking~~ 500 feet shall be measured along a road or sidewalk.

(2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

(3) If parking facilities are provided off the home site in bays and at office or other facilities, then they shall be in compliance with R 408.30427.

R 125.1928 Sidewalks.

Rule 928. If a developer provides sidewalks, then the sidewalks shall be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. A sidewalk system shall be in compliance with ~~both of all of the following requirements:~~

(a) If constructed, sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with the requirements of 1973 PA 8, MCL 125.1361 et seq., ~~Act No. 8 of the Public Acts of 1973, being §125.1361 et seq. of the Michigan Compiled Laws~~ an act which regulates sidewalks for handicapped.

(b) Except in a seasonal community, an individual sidewalk shall be constructed between at least 1 entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

(c) In a community built under construction plans and specifications approved under a previous act, an individual sidewalk which is lengthened shall be the same width for its full length and at least equal in width for its full length to the original individual sidewalk.

R 125.1929 Vehicular and sidewalk systems; illumination levels.

Rule 929. Except in a seasonal community, all vehicular and sidewalk systems within a community shall be illuminated as follows:

(a) Access points shall be lighted. If the adjacent public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of ~~an adjacent illuminated~~ the thoroughfare.

(b) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 footcandles.

(c) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.

~~(d) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal footcandles on any entry on the directory.~~

R 125.1934 Community natural gas system.

Rule 934. The design, installation, operation, and maintenance of a community natural gas system shall, at a minimum, be in compliance with ~~the rules entitled "Gas Safety Code," being R 460.14001 to R 460.14999, the rules entitled "Technical Standards for Gas Service," being R 460.2301 to R 460.2384, R 460.20101 et seq. of the Gas Safety rules and R 460.2301 et seq. of the Technical Standards for Gas Service and the construction, installation, and safety standards of the servicing public utility company.~~ A community is responsible for installing the natural gas system up to and including the meter and its disconnect in new or existing communities. In addition, the community shall comply with all of the following provisions: ~~shall be complied with~~

(a) Gas piping shall not be installed under a home building envelope or home, except for the piping required to connect the home to the servicing pedestal.

(b) A home site shall be equipped with an approved weatherproof gas regulator and individual meter. The regulator and meter shall not be located under the home when it is placed on the home site. A community master meter shall not be used.

(c) A home site shall have an approved gas shutoff valve installed upstream of the home site gas outlet and located on the inlet riser not less than 4 inches above the ground. The valve shall not be located under a home.

(d) The minimum hourly volume of gas required at each point shall be designed according to applicable standards and the manufacturer's standard for the appliance or appliances served.

R 125.1935 Community centralized liquefied petroleum gas (LPG) system.

Rule 935. ~~If provided,~~ a centralized community liquefied petroleum gas (LPG) system is provided, it shall be designed, installed, operated, and maintained according to the rules entitled "Liquefied Petroleum Gases," being ~~R 29.3801 to R 29.3858 and R 460.14051~~ R 29.4001 to R 29.4035. A community ~~is responsible for installing~~ shall install the liquefied petroleum gas system up to and including the meter and its disconnect in new or existing communities. In addition to the requirements of R 29.4001 to R 29.4035 ~~R 29.3801 to R 29.3858 and R 460.14051~~, both of the following provisions shall apply: ~~be complied with~~

(a) A home site shall have an approved liquefied petroleum gas meter installed.

(b) The minimum hourly volume of liquefied petroleum gas required at each point in the system shall be calculated according to applicable standards and the manufacturer's standard for the appliance or appliances to be served.

R 125.1936 Individual home liquefied petroleum gas (LPG) system.

Rule 936. If an individual home liquefied petroleum gas ~~systems are~~ system is permitted, then the installation, operation, and maintenance shall be in compliance with the ~~system's and home~~ manufacturer's installation ~~standard~~ instructions and ~~the rules entitled "Liquefied Petroleum Gases,"~~ ~~being R 29.3801 to R 29.3858~~ R 29.4001 et seq. of the Liquefied Petroleum Gases rules.

R 125.1937 Community centralized fuel oil systems; installation after effective date of rule prohibited.

Rule 937. Community centralized fuel oil systems shall not be installed after ~~the effective date of this rule~~ July 16, 1998.

R 125.1940 Television, telephone, and certain heating systems; compliance with state or local standards and ordinances.

Rule 940. (1) If central television antenna systems, cable television, or other similar services are provided, then the distribution systems shall be underground and shall be constructed and installed ~~according to~~ in compliance with state and local standards and ordinances.

(2) Telephone systems shall be installed underground and shall be in compliance with state and local standards and ordinances. If state and local standards and ordinances do not exist, then the system shall be installed according to the construction, installation, and safety standards established by the servicing telephone company.

(3) If a heating system other than natural gas, liquefied petroleum gas (LPG), or fuel oil is used, then the system shall be in compliance with state codes. ~~or local standards and ordinances~~

R 125.1940a Water system meters.

Rule 940a. (1) Water meter installation shall be in compliance with R 325.3321 and shall be approved by the Michigan department of environmental quality.

(2) All water meters shall be in compliance with the requirements of American water works association standards C700-95 entitled "Cold Water Meters – Displacement Type" (the cost at the time of adoption of these rules is \$36.00)~~\$23.00~~; C708-96 entitled "Cold Water Meters – Multijet Type" (the cost at the time of adoption of these rules is \$36.00)~~\$23.00~~; and C710-95 entitled "Cold Water Meters – Displacement Type Plastic Main Case" (the cost at the time of adoption of these rules is \$36.00)~~\$23.00~~. These standards are adopted in these rules by reference and ~~may be~~ are available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, ~~obtained~~ or from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

R 125.1941 Required distances between homes and other structures.

Rule 941. (1) A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

(a) For a home not sited parallel to an internal road, 20 feet from ~~any part of an attached structure of an~~ adjacent home, including an attached structure that ~~is~~ may be used for living purposes for the entire year.

(b) For a home sited parallel to an internal road, 15 feet from ~~any part of an attached structure of an adjacent home, including an attached structure that is~~ may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.

(c) Ten feet from ~~either of the following:~~

~~(i) A parking space on an adjacent home site.~~

~~(ii) A~~ an attached or detached structure or accessory of an adjacent home that ~~is~~ may not be used for living purposes for the entire year.

(d) Fifty feet from permanent community-owned structures, such as either of the following:

(i) Clubhouses.

(ii) Maintenance and storage facilities.

(e) One hundred feet from a baseball or softball field.

(f) Twenty-five feet from the fence of a swimming pool.

(g) Attached or detached structures or accessories that ~~are~~ may not be used for living ~~space~~ purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.

(2) ~~Any part of~~ A home, including an accessory, ~~such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures,~~ shall be set back all the following minimum distances, where applicable:

(a) ~~Ten~~ Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.

(b) Seven feet from a parking space on an adjacent home site or parking bay off a home site.

(c) Seven feet from a common sidewalk.

(d) Twenty-five feet from a natural or man-made lake or waterway.

(3) A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:

(a) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road ~~or~~ and 2 feet or more from the closest edge of a common sidewalk, if provided.

(b) Roof overhang shall be set back 2 feet or more from the edge of the internal road.

(4) Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.

~~(5) The length of a home site may vary depending on community design and layout and the home to be installed; however, the minimum standards pertaining to the distance between homes shall be complied with.~~

~~(6)~~(5) ~~The~~ A home sited on one side of the dividing line between an ~~existing~~ community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be ~~treated as a property line for the purpose of siting homes adjacent to a~~ minimum of 13 feet from a home sited on the other side of the dividing line.

~~(7) The parts of this rule that went into effect on February 1, 1991, do not apply to communities licensed before February 1, 1991, or to proposed new communities, or existing communities that wish to expand, and that filed an application for a permit to construct before February 1, 1991.~~

~~(8) Home site boundary lines are not recognized by these rules.~~

R 125.1944 Setbacks from property boundary lines.

Rule 944. (1) Homes, permanent buildings and facilities, and other structures shall not be located closer than 10 feet from the property boundary line of the community or home condominium and shall not be required by a local ordinance, unless approved by the commission, to be more than 10 feet from the property boundary line.

(2) ~~If h-Homes, permanent buildings and facilities, and~~ or any other structures that abut a public right-of-way ~~then they shall not be located closer~~ less than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. ~~In addition, the h-Homes, permanent buildings and facilities, and other structures shall not be required by a local ordinance to be more than 50 feet from the boundary line, unless the commission approves the ordinance. This rule does not apply to internal roads dedicated for public use.~~

R 125.1947 Optional improvements.

Rule 947. (1) Optional improvements ~~shall be considered as fulfilling~~ may fulfill part or all of the total designated open space requirement.

(2) Optional improvements shall be in compliance with current state codes and applicable laws and ordinances ~~or local building standards~~ pertinent to construction, including the obtaining of the appropriate state or local permits pertinent to the facility or structure being constructed.

R 125.1947a Communities constructed pursuant to previous acts or local ordinances, or both.

Rule 947a. (1) ~~A community which was licensed under the construction standards of previous acts and for which the license was legally issued and valid at the time these rules take effect is not required to fulfill all the requirements pertaining to community construction in these rules. However, at a minimum, all existing communities shall comply with all of the following provisions: Amendments to the community construction standards in these rules do not apply to complete applications for plans approval and permits to construct received by the department before the effective date of these amendatory rules.~~

~~(a) A community shall be adequately lighted during darkness.~~

~~(b) If individual home site meters are installed, then the installation shall be according to R 125.1932, R 125.1934, and R 125.1935.~~

~~(c) Meters that are owned by the community shall be calibrated according to R 125.1938.~~

~~(2) An existing community licensed under the act or previous acts that expands shall conform to all the requirements pertaining to community construction in these rules for all the expansions.~~

~~(3) An existing community licensed under the act or previous acts and constructed according to the standards in previous acts, rules, or local ordinances or both, shall be maintained in a condition consistent with the standards, with the following exceptions:~~

~~(a) A community shall be adequately lighted during darkness.~~

~~(b) If individual home site meters are installed, then the installation shall be in compliance with R 125.1932, R 125.1934, and R 125.1935.~~

~~(c) Meters that are owned by the community shall be calibrated in compliance with R 125.1938.~~

~~(4) In communities issued a permit to construct before February 28, 1979, enclosed structures attached to homes are deemed to be considered obstructions in the 10-foot side yard space. All other structures or vegetation is not deemed to be an are not obstructions if there is a 4-foot wide ground level pathway which is obstruction free to 7 feet in height and which runs the length of the side yard with access to the road.~~

R 125.1948 Variances; procedure.

Rule 948. (1) The commission may ~~delegate its authority~~ authorize under section 18(5) of the act ~~to the~~ department to enter into agreements with community developers, owners, operators, or authorized agents for the purpose of granting a variance to the community design and construction rules promulgated by the director.

- (2) An applicant may file a request with the department for a specific variance if the specific requirement would cause an exceptional practical difficulty.
- (3) An applicant shall file with the municipal clerk's office, all residents on home sites immediately adjacent to the place for which a variance is being requested, and the Michigan department of environmental quality, if the variance is to or would impact on public health regulations, a notice of the request at the time the request is filed with the department. A complete request that contains all of the information specified in this subrule shall be filed before the department considers the request under subrule (1) of this rule or not less than 30 days before any commission meeting at which it is to be considered. The request shall be in writing and shall include, but is not limited to, all of the following information:
- (a) The specific ~~identification~~ citation of the rule requirement. ~~by rule number, paragraph, and subparagraph, if needed~~
 - (b) Specific reason or reasons for the variance.
 - (c) A statement describing why the condition caused by the requirement is not so general or recurring that consideration should be given to amend the rules as the most practical means to rectify the difficulty.
 - (d) A statement describing the difficulty encountered if the specific requirement of the rule was literally applied.
 - (e) A statement describing the difficulty encountered in ensuring the protection of the health, safety, and welfare of community residents if the specific requirement of the act or these rules was literally applied, if applicable.
 - (f) If ~~the~~ a variance is ~~being~~ requested for a specific home site, then ~~all of the~~ applicant shall provide all the following information: ~~shall be provided~~
 - (i) When the home site and all adjacent home sites were built.
 - (ii) When the home on the home site and all adjacent homes were installed.
 - (iii) The location of the hitch and all outside doors of the home on the home site.
 - (iv) The distance between the home on the home site and all adjacent homes, structures, sidewalks, internal roads, and community boundaries. The distance information shall be accompanied by an affidavit signed by the community owner or operator verifying the accuracy of all measurements.
 - (g) Any other specific information and data pertinent to justification for the specific variance.
- (4) The applicant or an authorized representative of the applicant shall attend any commission meeting at which a variance request will be considered and be prepared to explain the request.
- (5) A municipality, a resident, or a representative of the department of environmental quality, as described in subrule (3) of this rule, may submit comments relative to the request verbally at the commission meeting at which the variance will be considered or in writing. Any submitted comments shall be considered by the commission or the department in approving or denying the request.
- (6) If a community developer, owner, or operator or a local government is aggrieved by a decision of the department under subrule (1) of this rule, then the aggrieved party ~~shall have the right to~~ may petition the commission for a hearing in compliance with the requirements of 1969 PA 306, MCL 24.201 et seq. ~~under Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws, and known as the administrative procedures act.~~
- (7) This rule does not apply to a request for a variance to a local ordinance, zoning requirement, or local rules which may be granted only by local government under section 18(4) of the act.

R 125.1950 Existing communities; construction; permit to construct; alterations.

Rule 950. (1) An application for a permit to construct shall be filed with the department for all construction projects that alter an existing community in any manner from the community construction

plans and specifications approved under ~~the act, previous~~ 1939 PA 143, MCL 125.751 et seq. or 1959 PA 243, MCL 125.1001 et seq. ~~Act No. 143 of the Public Acts of 1934, as amended, being §125.751 et seq. of the Michigan Compiled Laws, and known as the trailer coach park act, or Act No. 243 of the Public Acts of 1959, as amended, being §125.1001 et seq. of the Michigan Compiled Laws, and known as the mobile home park act.~~ Alteration projects include, but are not limited to, upgrading, installing, ~~completely reconstructing~~, expanding, or removing utility service systems, community lighting systems, or internal roads.

(2) The department shall not issue a permit to construct until all of the following are received:

(a) From the applicant, and as approved by the department, all of the following items:

(i) Construction plans and specifications.

(ii) On a form prescribed by the department, an application completely and accurately filled out and executed.

(iii) The fee as specified in R 125.1315~~(6)~~(4).

(b) From the department of environmental quality, both of the following approvals:

(i) Approvals of the local health department, county drain commissioner, county road commission, and municipality, if appropriate.

(ii) Approval by the department of environmental quality for matters pertaining to water supply, sewage collection and disposal, drainage, garbage and rubbish storage and disposal, and insect and rodent control.

(3) An application shall be executed in the presence of a witness and shall be notarized.

(4) An application shall not be considered complete until all items referred to in subrules (2) and (3) of this rule have been received. This rule does not exempt the community from inspection requirements that are required by other laws, rules, or local ordinances as they apply to the specific project.

(5) The department shall issue a permit to construct or an intent to deny order within 45 days after receipt of a complete application.

PART 10. COMMUNITY BUSINESS PRACTICES

R 125.2001 Definitions.

Rule 1001. (1) As used in this part:

(a) “Community rules” means a written document promulgated by the community which regulates all of the following and which includes the informational and disclosure items specified in R 125.2006:

(i) Yard maintenance.

(ii) Automobiles.

(iii) Children.

(iv) Pets.

(v) Guests.

(vi) Garbage and rubbish disposal.

(vii) Rental payments.

(viii) Other conditions of tenancy.

(b) “Inventory checklist” means the identical written form used at the commencement and termination of tenancy that records the condition of all items on the home site which are owned by the community, including, but not limited to all of the following:

(i) Building envelopes.

(ii) Utility hookups.

(iii) Patios.

(iv) Driveways.

(v) Parking spaces.

(vi) Sewer connections.

(c) “Lease” means a written agreement for the use, possession, and occupancy of a home site or home, or both, which contains all conditions of tenancy and which may include the community rules and regulations.

(d) “Rent” means any consideration paid by a resident for the right to use, possess, and occupy a home site or home, or both, and other facilities made available to the resident by the community.

(e) “Security deposit” means a deposit, in any amount, paid by the resident to the landlord or its agent to be held for the term of the rental agreement, or any part thereof. “Security deposit” includes any of the following:

(i) Any required prepayment of rent other than the first full rental period of the lease.

(ii) Any sum required to be paid as rent in any rental period in excess of the average rent for the term.

(iii) Any other amount of money or property that is returnable to the resident on the condition of return of the rental unit by the resident in the condition required by the rental agreement. “Security deposit” does not include an amount paid for an option to purchase under a lease with an option to purchase, unless it is shown that the intent was to evade the act.

~~(f) “Specific tax” means the tax levied upon a home under Act No. 243 of the Public Acts of 1959, being §125.1041 et seq. of the Michigan Compiled Laws, and known as the mobile home park act.~~

(2) As used in section 28 of the act:

(a) “Entrance fee” means a fee charged by a community as a condition precedent to the right to reside in the community, including a community requirement for resident paid for or provided landscaping or underground sprinkling systems, or both. The term does not include any of the following:

(i) Security deposits.

(ii) Fees and taxes charged by a unit of government, except for fees and taxes to be paid by the community that are related to capital improvements.

(iii) Deposits for service charged by public utilities.

(iv) Utility charges billed directly to the resident by the community.

(v) Rent.

(vi) Actual cost of a credit report, if one is obtained.

(vii) Nonrefundable cleaning fee as allowed by law.

(viii) A community requirement that a current or prospective resident, a retailer, or an installer and servicer pay for changing the electrical service provided to the home from the electrical pedestal disconnect box if the change is necessary to meet the ~~national~~ Michigan electrical code, R 408.30801 et seq. for service to the home. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

(ix) A community-required payment for the part of a foundation system that is more than 66 feet in length for a single section home and 56 feet in length for a multiple section home. The home lengths may be altered annually by the commission through an interpretive statement. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site. This exemption applies to foundation systems on new home sites in communities whose applications for permits to construct were received after June 29, 1994.

(x) A community-required payment for the part of a foundation system in excess of that which exists on a previously occupied home site. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.

- (xi) A community-required payment for a foundation system that is approved by the department for use in the community, but not provided by the community. The community requirement for payment shall be disclosed to the current or prospective resident, retailer, or installer and servicer before the resident, retailer, or installer and servicer commits to secure a home site or to bring the home into the community.
- (xii) Other fees as determined by the commission by declaratory ruling or interpretive statement.
- (b) “Exit fee” means any fee charged by a community as a condition precedent to the right to terminate tenancy. This does not foreclose the right of the community to retain the security deposit in compliance with the requirements of 1972 PA 348, MCL 554.601 et seq. ~~under Act No. 348 of the Public Acts of 1972, being §554.601 et seq. of the Michigan Compiled Laws, and known as the landlord tenant act or security deposit act.~~
- (c) ~~“Television antenna” includes television satellite dishes.~~

R 125.2001a Inspections; inspection standards.

Rule 1001a. Before a home is offered for sale or placement of a “For Sale” sign, a home shall be inspected if required by the community rules. The inspection shall be in compliance with section 28a of the act and shall be valid for 1 year. The inspection standards shall be stated in the community rules and met by a majority of the homes in the community.

R 125.2003 Means to assure completion of optional improvements.

Rule 1003. ~~A community, or a part of a community, on which construction of a~~ An optional improvement for resident use or convenience which has not been completed, shall not be advertised unless the completion of the optional improvement is assured by substantial completion or the advertising discloses the promised date of completion, or both. If an optional improvement is not completed by the date promised, then the department may, after notice of opportunity for hearing, require an irrevocable bank letter of credit, bond, or similar undertaking that is acceptable to the department posted with a public authority or may require adequate reserves established and maintained in a trust or escrow account to ensure completion of the optional improvement. In determining adequacy of the account, the department shall be guided by the facts and circumstances of each individual case, but the account shall be in compliance with all of the following provisions:

- (a) Funds shall be kept and maintained in a separate escrow account.
- (b) The account shall be approved by the department and shall be established in a financial institution doing business in this state or in another state whose laws require the account to be maintained in that state.
- (c) Monthly progress reports shall be furnished to the department by the community for a new project for the first 6 months and, in the department’s discretion, quarterly or semiannually after the first 6 months.
- (d) The trust or escrow agreement shall state that its purpose is to protect the resident or prospective resident if the community fails to complete the construction of promised optional improvements. The trust or escrow agreement also shall authorize the department to inspect the records of the trustee relating the agreement.
- ~~(e) The department shall execute an acknowledgment on the face of each agreement. The acknowledgment indicates approval of the form and content of the agreements, but shall not be construed to make the department a party to the agreement.~~

R 125.2005 Leases; refusal; terms; security deposits; inventory checklists.

Rule 1005. (1) A written lease shall be offered for each home site at the beginning of tenancy. The lease ~~offered~~ shall conform to the procedures set forth in 1972 PA 348, MCL 554.601 et seq. ~~Act No. 348 of~~

~~the Public Acts of 1972, being §554.601 et seq. of the Michigan Compiled Laws, and known as the landlord tenant act or security deposit act, and 1978 PA 454, MCL 554.631 et seq. Act No. 454 of the Public Acts of 1978, as amended, being §554.631 et seq. of the Michigan Compiled Laws, and known as the truth in renting act.~~

(2) If a resident refuses the lease offered at the beginning of tenancy, then the community shall require a written statement of refusal. The refusal ~~shall not be construed as~~ is not a waiver of any of the resident's rights as guaranteed by law.

(3) A community shall not charge a premium for a lease.

(4) If a community requires a resident or prospective resident to prove ownership of a newly acquired home as a condition of siting the home in the community, then the resident or prospective resident may satisfy the requirement by providing a photocopy of a validated signed application for a certificate of manufactured home ownership.

(5) A community may allow a retailer, consumer, or lending institution to pay rent on a home site in the community ~~well in advance of~~ before placing a home on the home site if the action does not result in a closed community. The home site that is rented is ~~considered to be~~ unavailable for rental to another retailer, consumer, or lending institution.

(6) A community may allow a retailer, consumer, or lending institution to place a home on a home site before the sale of the home. The home site upon which the home is placed is ~~considered to be~~ unavailable for the placement of another home.

(7) A community shall provide its permission for a sale in the community and on the home site and its acceptance of a prospective purchaser as a resident in writing, if requested.

(8) A security deposit received by a community shall be maintained in compliance with 1972 PA 348, MCL 554.601 et seq. ~~according to the procedures in Act No. 348 of the Public Acts of 1972, being §554.601 et seq. of the Michigan Compiled Laws, and known as the landlord tenant act or security deposit act.~~

(9) If a community requires a security deposit, then the community shall utilize an inventory checklist at the beginning and termination of the tenancy to determine damages. The ~~procedure set forth in~~ community shall comply with 1972 PA 348, MCL 554.601 et seq. ~~Act No. 348 of the Public Acts of 1972, being §554.601 et seq. of the Michigan Compiled Laws, and known as the landlord tenant act or security deposit act, shall be complied with.~~

R 125.2005a Buyer's and resident's handbook.

Rule 1005a. ~~Community rules shall contain a notice of the availability of the~~ A manufactured home buyer's and resident's handbook shall be provided by retailers to home purchasers at the time a purchase agreement is executed and by communities to prospective residents at the time an application for residency is signed. ~~Before May 3, 1991, the community shall also notify all existing residents, in writing, of the availability of the handbook through either the community office or the manufactured housing division. The department will~~ shall furnish all licensed communities and retailers with sufficient copies of the handbook. ~~to meet the requirement of this rule~~

R 125.2006 Community rules; provision of community rules to prospective and existing residents; community rule changes; inspections; rent charges.

Rule 1006. (1) The community shall provide each prospective and existing resident with a copy of the community rules. The resident shall execute a written receipt for the community rules.

(2) The community shall provide proposed changes to the community rules to each resident not less than 30 days before the date on which the changes become effective.

~~(3) The standards in the written community rules referenced in section 28a(1)(b) of the act apply only to residents who want to sell their homes in the community.~~

~~(4) Community rules which require tires and axles to be present if a home is to be sold in the community, which regulate the size, number, and/or placement of "For Sale" signs, or which require home reinspection and an accompanying fee more than 60 days after the home's previous inspection do not violate section 28a of the act.~~

~~(5)(3) Community rules shall not do any of the following: that prohibit "For Sale" signs or require a home to meet a construction standard other than that to which it was built in order to be sold in the community violate section 28a of the act.~~

(a) Prohibit "For Sale" signs.

(b) Require "For Sale" signs to be less than 18 inches by 24 inches.

(c) Prohibit or restrict the placement of up to 2 "For Sale" signs in the windows of or on a home.

(d) Require a home to meet a construction standard other than that to which it was built in order to be sold in the community.

(e) Require tires to be present if a home is to be sold in the community.

~~(6)(4) The community shall post, in a conspicuous place in the community office, a detailed list of current rent ranges and a detailed list of any other charges that are added to the base rent which establish the monthly rental amount that a resident is to pay.~~

~~(7)(5) A community rent structure shall be in compliance with sections 502 and 503 of 1976 PA 453, MCL 37.2502 and 37.2503. Act No. 453 of the Public Acts of 1976, as amended, being §§37.2502 and 37.2503 of the Michigan Compiled Laws, and known as the Michigan civil rights act.~~

R 125.2006a Water meter installation disclosure.

Rule 1006a. If ~~a~~ the community decides to convert its master water metering to individual site metering, then the community shall notify each resident, in writing, not less than 30 days before meter installation. ~~before the meter reading that determines the starting point to be used for calculation of the resident's first bill for individual metering~~ The disclosure shall include, but not be limited to, all of the following items:

(a) The water and sewer rate per thousand gallons or in the units measured by the meter.

(b) All additional charges.

(c) Minimum fees.

(d) Shutoff procedures.

(e) Installation procedures. ~~including a guarantee that the heat tape will function during the first winter after installation~~

(f) Payment procedures, including the billing period and due dates and a requirement that bills include beginning and ending meter readings and total usage.

(g) Rate change procedures.

(h) A list of items ~~such as heat tape, which the~~ furnished and maintained by the community. ~~furnishes, owns, and maintains and which the resident furnishes, owns, and maintains~~

(i) A statement that the community shall furnish a new heat tape and shall maintain it for 1 year.

The information shall be included in the community rules.

R 125.2006b Resident-provided utility service.

Rule 1006b. If ~~a~~ the community resident provides any utility service that results in common community use, ~~such as community lighting, and the resident is directly charged for the service by a public or community owned utility,~~ then the community shall disclose the charge to all affected residents.

R 125.2007 Accounts and records; maintenance; inspections; retention.

Rule 1007. (1) ~~In addition to other accounts and records required by law, t~~ The community shall maintain all the following accounts and records at the community office or at a central office for 4 years:

- (a) A copy of the lease for each resident or a copy of the statement of refusal signed by the resident.
- (b) A copy of the inventory checklists for each resident.
- (c) A copy of the resident receipt for community rules.
- (d) A record of the rent receipts for each resident.
- ~~(e) A record of all specific tax payments and receipts.~~
- ~~(f) A copy of written complaints submitted by each resident.~~
- ~~(g)~~(e) If security deposits are required, then a current and accurate record system of security deposits received and ~~dispersed~~ disbursed upon termination of tenancy for each home or home site, or both.
- ~~(h)~~(f) A current and accurate record of the community residents, which shall include all of the following information:
 - (i) Name of each resident and member of the resident's household, if applicable.
 - (ii) Home site number.
 - (iii) Date of tenancy.
 - (iv) Date of termination.
- (2) All accounts and records that are required to be maintained by these rules shall be available for inspection by an authorized representative of the department during normal business hours.
- (3) Unless otherwise provided for by law, these or other rules, or local ordinances that require a longer retention period, the following accounts and records shall be maintained for a period of 4 years after tenancy termination:
 - (a) A copy of the resident's most recent lease or rental agreement or the resident's lease refusal statement.
 - (b) A copy of the final inventory checklist for each resident.
 - (c) A copy of the resident's most recent receipt for community rules.
 - (d) A resident's file.

R 125.2009 Community owner or operator; prohibited practices.

Rule 1009. A community owner or operator shall not do any of the following:

- (a) Aid or abet an unlicensed person to evade the provisions of the act or these rules.
- (b) Knowingly combine or conspire with, or be acting as an agent, partner, or associate for an unlicensed person.
- (c) Allow one's license to be used by an unlicensed person.
- (d) Be acting as ~~or be an apparent~~ a licensed retailer for an undisclosed person who does or will control or direct, or who may have the right to control or direct, directly or indirectly, the business operations or performance, or both, of the licensee.
- (e) Use age or size, either separately or in combination, as a sole basis for refusing to allow the sale of a home in the community and on the home site.
- (f) Prohibit a resident from using a licensed retailer of the resident's choice to sell his or her home in the community.
- (g) Prohibit the installation, in compliance with federal law, of a satellite dish on a home.
- (h) Prohibit political yard signs.
- (i) Require political yard signs to be less than 18 inches by 24 inches.
- (j) Prohibit or restrict the placement of up to 2 political yard signs per site.
- (k) Restrict the display duration of political yard signs when they are in compliance with the local government ordinance, for a period beginning 4 weeks before and, 1 week after a governmental election.

NOTICE OF PUBLIC HEARING

ORR # 2001-050

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTOR'S OFFICE

MANUFACTURED HOUSING

The Department of Consumer and Industry Services, Bureau of Construction Codes, will hold a public hearing on Tuesday, May 6, 2003, at 9:30 a.m. in conference room 3 located at 2501 Woodlake Circle, Okemos, Michigan.

The public hearing is to receive public comments on newly proposed administrative rules entitled, "Manufactured Housing Commission General Rules." The proposed effective date of the rules is August 1, 2003.

The hearing is being conducted by the Department by authority under Sections 4, 5, 9, 22 to 24, and 38 of 1987 PA 96, MCL 125.2304, 125.2305, 125.2309, 125.2321 to 125.2324, 125.2327, 125.2338, and Executive Reorganization Order No. 1996-2, MCL 445.2001.

The proposed rules are published in the *Michigan Register* or may be obtained on the web at www.michigan.gov/bcc, under the What's New section. Copies of the rules may also be obtained by contacting the Bureau at the address below.

Oral or written comments may be presented in person at the hearing on May 6, 2003, or submitted in writing by mail, e-mail, or facsimile by May 16, 2003, at 5:00 p.m.

Department of Consumer and Industry Services
Bureau of Construction Codes
Office of Administrative Services
P.O. Box 30254
Lansing, MI 48909
Telephone (517) 335-2972
Facsimile (517) 241-9570
baben@michigan.gov

Hearing facilities are barrier free. Kindly contact the Bureau to make arrangements for sign language interpreters within ten business days prior to the hearing.

PROPOSED ADMINISTRATIVE RULES

ORR # 2002-026

DEPARTMENT OF AGRICULTURE

RACING COMMISSIONER

GENERAL RULES

Filed with the Secretary of State on
This rule takes effect 15 days after filing with the Secretary of State

(By authority conferred on the racing commissioner by section 6 of 1980 PA 327, MCL 431.66 and section 184 of 1965 PA 380, MCL 431.284)

R 413.1001 to 431.4290 of the Michigan Administrative Code are amended by adding R 431.2061, as follows:

PART 2. MUTUELS

R 431.2061 Simulcast purse pool distribution.

Rule 2061. (1) The Commissioner shall issue a simulcast purse pool distribution order, in accordance with section 19 of the act, not later than February 15 of each year.

(2) For purposes of purse pool distribution under section 19(1)(a) and (b) of the act, all of the following provisions apply:

(a) “Thoroughbred simulcasts”, “thoroughbred handle” and “thoroughbred purse pools” include handle from regulated pari-mutuel races in Michigan where jockeys ride horses as defined by R 431.1010(e) and the act.

(b) “Standardbred simulcasts”, “standardbred handle,” and “standardbred purse pools” include handle from all regulated pari-mutuel races where drivers, as defined by R 431.1005(e), drive horses in harness.

(c) Any wagering generated or occurring at a location receiving audio or visual transmissions of any race are the handle of that location and not the handle of the licensee sending or in control of sending the transmissions.

(3) All monies deposited into the horsemen’s simulcast purse pool, except an amount determined by all certified horsemen’s associations for administrative fees, shall be exclusively used for Michigan live racing purses. If all certified horsemen associations cannot agree annually on the amount of the administrative fee, and to whom it is to be paid, then the racing commissioner shall make and incorporate those determinations in the order to be issued annually not later than February 15. In no event shall the total aggregate administrative fees exceed 6% of all monies deposited into the horsemen’s simulcast purse pool.

(4) The commissioner shall audit purse pool accounts and expenditures, and shall request and receive a full accounting of purse pool accounts.

(5) Any organization or person unlawfully interfering with the implementation or enforcement of a distribution order issued under this rule shall be subject to sanctions. Sanctions may include, but are not

limited to, the revocation or suspension of a license or horsemen organization's certification, or both, granted under the act.

NOTICE OF PUBLIC HEARING

ORR # 2002-026

DEPARTMENT OF AGRICULTURE

RACING COMMISSIONER

GENERAL RULES

The Office of Racing Commissioner will hold a public hearing on Wednesday, May 14, 2003, from 3:00 p.m. until 5:00 p.m. at Constitution Hall, 525 W. Allegan, Lansing, Michigan in conference room ConCon A & B.

The public hearing is being held to receive public comments on proposed promulgation of a new rule regarding the process for determining the annual simulcast purse pool distribution order.

The hearing is being conducted by the Office of Racing Commissioner under Section 7, of Public Act 279 of 1995, being Section 431.307 of the Michigan Compiled Laws.

Comments may be presented in person, with written comments available at the time of presentation, or submitted by mail prior to the hearing. Written comments will be accepted at the following address until May 16, 2003, at 5:00 p.m. The proposed rules will be published in the *Michigan Register* or may be obtained from the address below:

Office of Racing Commissioner
37650 Professional Center Drive, Suite 105A
Livonia MI 48154-1100
Attention: Kenn Christopher, Special Projects Administrator
E-mail address: christopherk@michigan.gov
Telephone: 734.462.2400

The proposed rule codifies the existing process for determining the annual simulcast purse pool distribution order. The draft rule is also available on the world wide web at: <http://www.michigan.gov/orr> , ORR #2002-026.

The public hearing is conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual requiring additional accommodations for effective participation in a hearing should call Celine Rutkowski at 734.462.2400 (voice) to make the necessary arrangements. To ensure availability of the accommodation, please call at least one (1) week in advance.

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions. ”

OPINIONS OF THE ATTORNEY GENERAL

MENTAL HEALTH:	Responsibility for transporting and for costs of transporting certain mental health
COUNTIES:	patients to and from court hearings
PEACE OFFICERS:	Signing of applications for hospitalization of certain persons with mental illness

Counties are responsible for transporting, and for the costs incurred by county peace officers associated with transporting, persons hospitalized under chapter 4 of the Mental Health Code to and from court to secure their right under section 455 of the Mental Health Code to be present at their civil commitment hearings.

A law enforcement officer who personally observes conduct that causes the officer to reasonably believe an individual requires mental health treatment and, based on those observations, takes the individual into protective custody, is the only person authorized to execute the application for hospitalization under section 427 of the Mental Health Code and may not delegate that responsibility to a mental health services worker.

Opinion No. 7127

April 7, 2003

Honorable Stephen F. Adamini
State Representative
The Capitol
Lansing, MI

You have asked two questions concerning the Mental Health Code. You first ask who is responsible for transporting, and for the costs incurred by county peace officers associated with transporting, persons hospitalized under chapter 4 of the Mental Health Code to and from court to secure their right under section 455 of the Code to be present at their civil commitment hearings.

Your office has advised that your request arises from a situation in the Upper Peninsula. Luce County residents who are ordered by the Luce County Probate Court to be hospitalized for mental health services are sent to the Psychiatric Unit at Marquette General Hospital located in Marquette County.

The Luce County Sheriff's Department transports these individuals to and from probate court hearings required by the Mental Health Code concerning the patients' continued involuntary hospitalization. The Luce County Sheriff's Department has sought reimbursement from the community mental health services program for the costs it incurs transporting the hospitalized persons between the hospital and the court based on its belief that these are program costs and not the county's responsibility. The community mental health services program denies that the transportation costs qualify for reimbursement.

The Mental Health Code (Code), 1974 PA 258, as amended, MCL 330.1101 *et seq*, is a comprehensive codification of the laws relating to mental health in Michigan. Chapter 4 of the Code contains the sections relating to civil admission and discharge procedures for mentally ill individuals. You refer to three sections of chapter 4 that deal with involuntary commitment. Section 426, MCL 330.1426, provides that when a peace officer is given "an application [for hospitalization] and physician's or licensed psychologist's clinical certificate, the peace officer shall take the individual . . . into protective custody and transport the individual" to a hospital or preadmission screening unit.

Section 436 of the Code, MCL 330.1436, addresses the situation where, prior to hospitalization, an individual has failed to comply with a court order requiring the individual to be examined by a physician or licensed psychologist. In that instance, "*the court* may order a peace officer to take the individual into protective custody and transport him or her to a preadmission screening unit or hospital designated by the community mental health services program or to another suitable place" for the examination.¹ (Emphasis added.)

¹ A "community mental health services program" means one of three things under the Code, each of which is defined separately: 1) a program operated under chapter 2 as a county community mental health agency; 2) a community mental health authority; or 3) a community mental health organization. MCL 330.1100a(15).

Similarly, section 438 of the Code, MCL 330.1438, provides for immediate involuntary mental health care in order to prevent physical harm to the individual or others. In that instance, "*the court* may order the individual hospitalized and may order a peace officer to take the individual into protective custody and transport the individual to a preadmission screening unit" and ultimately to a hospital for treatment if necessary. (Emphasis added.)

Sections 426, 436, and 438 of the Code directly address who bears responsibility for transporting individuals to hospitals and preadmission screening units.² The plain language of these sections places this responsibility on peace officers. These sections do not address, however, who bears responsibility for transporting individuals from their hospital placements to and from court for civil commitment hearings.

Civil commitment hearings are governed by sections 452 to 465 of the Code. MCL 330.1451. Section 452 provides that court hearings shall be convened upon the filing of certain petitions. MCL 330.1452. Under section 453 of the Code, MCL 330.1453, the court is required to give notice of the petition and the time and place of the hearing to the individual subject to the petition and other related information and, under section 454 of the Code, MCL 330.1454, must appoint counsel to represent the individual unless other arrangements have been made. Section 455(1) of the Code, MCL 330.1455(1), mandates that, absent certain circumstances not relevant here, "[t]he subject of a petition has the right to be present at all hearings" and further provides that the right may be deemed waived by the subject's failure to attend. Section 457 of the Code mandates that the prosecuting attorney of the county where a

court has its principal office shall participate in the hearings convened under chapter 4 of the Code, unless the petitioner has retained private counsel. MCL 330.1457.

These sections of the Code do not specifically address who is responsible for transporting hospitalized individuals to court for hearings convened under chapter 4 of the Code. A review of other authorities, however, leads to the conclusion that this responsibility is an important part of meeting due process requirements and, accordingly, falls on the counties.

Federal case law establishes that the courts are responsible for securing the person's right to be present at civil commitment hearings. See *Bell v Wayne County General Hospital at Eloise*, 384 F Supp 1085, 1102 (ED Mich, 1974) (3-judge court). The court in *Bell* ruled that failure to provide all possible means to ensure the presence of individuals subject to a commitment hearing is a violation of their constitutional right to due process. *Id.*, at 1099. Moreover, as explained in OAG, 1975-1976, No 4875, p 89, 90 (May 30, 1975), responsibility for conducting civil commitment proceedings and for the costs associated with those proceedings resides in the various counties:

The civil commitment of the mentally ill is justified by the police and *parens patriae* powers of the state. *Donaldson v O'Connor*, 493 F2d 507 (5th Cir, 1974). The State of Michigan has traditionally delegated the power of civil commitment to the various counties. That the commitment process (as opposed to the treatment process) has continued to be fully delegated to the counties by 1974 PA 258 is clear from a reading of that Act. For example, commitment proceedings are instituted in the probate court of the county where the subject of the petition either resides or was found, MCLA 330.1400; MSA 14.800(400); MCLA 330.1434; MSA 14.800(434). The county prosecutor has the duty to participate in commitment proceedings except in cases where the petitioner has retained private counsel, MCLA 330.1457; MSA 14.800(457). If the subject of a commitment petition demands a jury trial, the jury is chosen from residents of the county, MCLA 330.1458; MSA 14.800(458).

² Although not mentioned in your request, sections 427, 428, 455(8), and 475(2)(b) of the Code, MCL 330.1427, 330.1428, 330.1455(8), and 330.1475(2)(b), also authorize peace officers under certain circumstances to take individuals into protective custody and transport them to a hospital or preadmission screening unit.

It is therefore my opinion that the legislature intended that the counties were to be the responsible governmental bodies for conducting commitment proceedings. Since 1974 PA 258 contains no provision regarding state reimbursement of the counties for the expenses of commitment proceedings *it can readily be inferred that the legislature intended that the counties would absorb those expenses.* [Emphasis added.]

A review of the pertinent sections of the Code in its present form leads to the same conclusion reached in OAG, No 4875. Since the subject of a petition has the right to be present at court hearings under section 455, the costs associated with securing that right are costs of the commitment proceedings, not costs associated with actual treatment, and, accordingly, are costs the Legislature intended to be borne by the counties.³ The conclusion that the Legislature intended that the counties assume all costs of the commitment proceedings is supported by the fact that the Legislature did not appropriate to the Michigan Department of Community Health or to any other state agency funds for the payment of transportation to and from court hearings in civil commitment hearings. Const. 1963, art 9, § 17 provides:

No money shall be paid out of the state treasury except in pursuance to appropriations made by law.

The failure to make such appropriations is further evidence of a legislative intent that the cost of transportation be paid for by counties.

A question related to yours was addressed in OAG, 1979-1980, No 5811, p 1065 (November 5, 1980). At issue there was whether the county was eligible for state reimbursement of the costs of transporting mental health patients to and from state psychiatric hospitals. The opinion explained that the Code has set forth the mechanisms for allocating the costs of the public mental health system between the state and the various counties and that, subject to sufficient appropriations, the state pays

³ Since this responsibility was established before adoption of Const 1963, art 9, §§ 25-31, your question does not give rise to any "Headlee Amendment" implications.

90% of the annual "net cost" of the county's community mental health services program. The opinion then examined the definitions of "net cost" and related terms and determined that transportation expenses were not reimbursable to the counties because they fell outside the scope of "mental health services" as described in then section 208 of the Code. OAG, No 5811, at pp 1066-1067. Thus, transportation expenses to and from civil commitment hearings were the responsibility of the county and not properly charged to the community mental health program or payable by the state through its allocated share of the net cost.

The provisions of the Code analyzed in OAG, No 5811 have not changed materially since that opinion issued, and accordingly, the conclusion reached in the opinion remains true today.⁴ Although 1995 PA 290 amended the Code and changed "county community mental health program" to "community mental health services program," this change has no impact here. Section 206 of the Code, MCL 330.1206, now sets forth the array of mental health services to be provided by a community mental health services program, and the Legislature has not added transportation to the list of services delineated there.

Nor have there been any subsequent regulatory or contractual changes that warrant a different conclusion. The Michigan Department of Community Health has not promulgated any rule requiring transportation to and from probate courts as a mental health service to be provided by a community mental health services program. Additionally, under section 232 of the Code, MCL 330.1232, the Michigan Department of Community Health enters into contracts with the community mental health

⁴ One exception not applicable here but nevertheless worth noting is section 426, quoted above. When this section was amended by 1995 PA 290, it added the sentence providing that "[t]ransportation to another hospital due to a transfer is the responsibility of the community mental health services program."

services program providers for the provision of mental health services. This contract also does not direct or provide for payment to transport a patient to and from court hearings.⁵

It is my opinion, therefore, in answer to your first question, that counties are responsible for transporting, and for the costs incurred by county peace officers associated with transporting, persons hospitalized under chapter 4 of the Mental Health Code to and from court to secure their right under section 455 of the Mental Health Code to be present at their civil commitment hearings.

Your second question asks whether a law enforcement officer who personally observes conduct that causes the officer to reasonably believe an individual requires mental health treatment and, based on those observations, takes the individual into protective custody, may delegate to a mental health services worker responsibility to execute the application for hospitalization under section 427 of the Mental Health Code.

Section 424 of the Code, MCL 330.1424, generally describes what an application for hospitalization must contain. An application must contain an assertion that the individual is a person requiring treatment, along with the alleged facts that are the basis for the assertion and any known names and addresses of witnesses to those facts. MCL 330.1424(1). The application may only be made

⁵ Your letter indicates that you are concerned that many rural counties have only one designated psychiatric unit at a hospital that may be as many as two hours or more away from the county where the hearings will be held and the costs associated with this lengthy travel are substantial. The regulations governing psychiatric hospitals or units provide a means for minimizing the inconvenience and expense associated with the transportation of patients to and from their hearings under the Code. The rules for the licensure of psychiatric hospitals or units require that a licensed facility shall provide appropriate on-site space for probate court hearings on involuntary admission if a court deems convening there practicable. 1979 AC, R 330.1228. Additionally, section 456 of the Code provides that the court may, whenever practicable, hold the hearings at the hospitals or other convenient location within or without the county. MCL 330.1456. This is supported by the authority conferred on the probate court or family court respectively, by MCL 600.816 and 600.1517, to move the location of the hearing. Section 457 of the Code also provides that the prosecuting attorney responsible for the hearing may permit the prosecuting attorney or assistant prosecuting attorney from another county to participate in the hearing, thus facilitating a hearing in another county. MCL 330.1457.

by persons 18 years of age or older and "shall be made under penalty of perjury." MCL 330.1424. Among the circumstances that may lead to the conclusion that a person is one "requiring treatment" are that the person has mental illness and may physically injure himself or another or is unable to attend to his or her basic physical needs. MCL 330.1401(1).⁶

Section 427(1) of the Code, MCL 330.1427(1), specifically prescribes the duties and responsibilities of a law enforcement officer who witnesses the conduct of an individual who might require treatment. It provides in pertinent part:

If a peace officer observes an individual conducting himself or herself in a manner that causes the peace officer to reasonably believe that the individual is a person requiring treatment as defined in section 401, the peace officer may take the individual into protective custody and transport the individual to a preadmission screening unit designated by a community mental health services program for examination under section 429 or for mental health intervention services. The preadmission screening unit shall provide those mental health intervention services that it considers appropriate or shall provide an examination under section 429. The preadmission screening services may be provided at the site of the preadmission screening unit or at a site designated by the preadmission screening unit. Upon arrival at the preadmission screening unit or site designated by the preadmission screening unit, *the peace officer shall execute an application for hospitalization of the individual.* (Emphasis added.)

The word "execute" is not defined in the Code. Where a statute does not define one of its terms, it is customary to look to a dictionary for a definition, *Marcelle v Taubman*, 224 Mich App 215, 219; 568 NW2d 393 (1997). The plain and ordinary meaning of "execute" when used in connection with writings or documents, such as an application, is "to complete or make valid . . . as by signing." *Webster's New World Dictionary, Third College Ed.* (1988), p 475. In statutory interpretation, the word "shall" when used to direct a public official is mandatory, and "may" is discretionary. *Southfield Twp v Drainage Bd for Twelve Towns Relief Drains*, 357 Mich 59; 97 NW2d 821 (1959); *Fink v Detroit*, 124

⁶ The State Court Administrative Office's (SCAO) Form PCM 201 is a "Petition/Application for Hospitalization" and is available on the SCAO's website.

Mich App 44, 49; 333 NW2d 376 (1983). Moreover, when the language of a statute is clear, it must be applied as written. *Lorenz v Ford Motor Co*, 439 Mich 370, 376; 483 NW2d 844 (1992).

Applying these rules of construction, section 427 gives a peace officer discretion to take an individual into protective custody if he or she reasonably believes that individual requires treatment. Once the officer has exercised that discretion, however, the only person authorized to execute the application for hospitalization described under section 427 of the Code is the peace officer.⁷ It is the peace officer who has personally observed the facts forming the basis for the conclusion that the person requires treatment. That the Legislature viewed this as a solemn responsibility is evidenced by the requirement that statements made in the application are subject to the penalty of perjury.

It is my opinion, therefore, in answer to your second question, that a law enforcement officer who personally observes conduct that causes the officer to reasonably believe an individual requires mental health treatment and, based on those observations, takes the individual into protective custody, is the only person authorized to execute the application for hospitalization under section 427 of the Mental Health Code and that responsibility may not be delegated to a mental health care worker.

MIKE COX
Attorney General

⁷ This is in contrast to section 425 of the Code, in which the Legislature has provided that the clinical certificate required for hospitalization of an individual under section 423 of the Code "may be executed by any physician or licensed psychologist, including a staff member or employee of the hospital with which the application and clinical certificate are filed." MCL 330.1425.

OPINIONS OF THE ATTORNEY GENERAL

COUNTIES: Authority of county board of
commissioners to reduce appointed county
PUBLIC OFFICES AND OFFICERS: treasurer's salary during term of office

A county board of commissioners may not reduce the annual salary of a county treasurer during a four-year term of office, following the resignation of the person elected to that office, and prior to the appointment of a new county treasurer for the unexpired remainder of the term. The statutory prohibition applies regardless of whether the person was elected or appointed to that term of office.

Opinion No. 7128 April 7, 2003

Honorable Patricia Birkholz
State Senator
The Capitol
Lansing, Michigan

Honorable Fulton J. Sheen
State Representative
The Capitol
Lansing, Michigan

You ask if a county board of commissioners may reduce the annual salary of a county treasurer during a four-year term of office, following the resignation of the person elected to that office, and prior to the appointment of a new county treasurer for the unexpired remainder of the term.

Const 1963, art 7, § 9, addresses the compensation of county officers and provides as follows:

Boards of supervisors shall have *exclusive power* to fix the compensation of county officers *not otherwise provided by law*. [Emphasis added.]

The Legislature has also addressed the compensation of county officers. Section 1(1) of 1879 PA 154,¹ as amended, MCL 45.421(1), the Salaries of County Officers Act (Act), provides as follows:

¹ Section 1(2) provides an exception for counties that have a county officers compensation commission:

Notwithstanding subsection (1), for a county which has a county officers compensation commission, the compensation of each nonjudicial elected officer of the county shall be determined by that commission. A change in compensation for those officers of a county which has a county officers

The annual salary of each salaried county officer, which is by law fixed by the county board of commissioners, shall be fixed by the board before November 1 each year and *shall not be diminished during the term for which the county officer has been elected or appointed*, but may be increased during the officer's term of office. [Emphasis added.]

Constitutional and statutory provisions are to be construed according to their plain meaning. *People v Bulger*, 462 Mich 495, 507; 614 NW2d 103 (2000) ("[T]he primary source for ascertaining [a constitutional provision's] meaning is to examine its plain meaning as understood by its ratifiers at the time of adoption"); *Wickens v Oakwood Healthcare System*, 465 Mich 53, 60; 631 NW2d 686 (2001) ("If the statute's language is clear and unambiguous, we assume that the Legislature intended its plain meaning, and we enforce the statute as written").

The phrase "not otherwise provided by law" in Const 1963, art 7, § 9, means that a county board of commissioners may set the salary of county officers, subject to any compensation provisions that have been adopted as law by the Legislature, such as MCL 45.421. See OAG, 1997-1998, No 6941, p 38, 39 (June 13, 1997).

In *Attorney General v Oakland County*, 125 Mich App 157, 158-159; 335 NW2d 654 (1983), the Court recognized that under the Act, the county board of commissioners has considerable latitude in establishing the compensation of county officers. MCL 45.421, to the extent that it prohibits a county board of commissioners from decreasing the salary of a county officer during his or her term, is

compensation commission shall commence at the beginning of the first odd numbered year after the determination is made by the county officers compensation commission and is not rejected. [MCL 45.421(2).]

Because your question relates to salaries fixed by the county board of commissioners under section 1(1), this opinion does not address compensation set under section 1(2).

consistent with the Legislature's power to provide by law for the compensation of county officers. OAG, 1997-1998, No 6941, *supra*, at p 39.

Furthermore, the prohibition in MCL 45.421 against a county board of commissioners decreasing a county officer's salary during his or her term is not limited to the person who was elected to the office. This is because MCL 45.421 expressly provides that such a prohibition applies to the "term" of office and not the officer personally. Thus, a "term" is not personal to the officer but rather refers to the office.

The validity of the foregoing conclusion is underscored by reference to MCL 168.203 and MCL 168.209. MCL 168.203, which defines the term of office of a county treasurer, provides:

The *term of office* of the . . . county treasurer, . . . shall begin on January 1 next following the election, and continues until a successor is elected and qualified
[Emphasis added.]

MCL 168.209, which sets forth the manner of filling a vacancy of the term of a county treasurer, provides:

If a vacancy occurs in an elective or appointive county *office*, it shall be filled in the following manner:

* * *

(2) If the vacancy is in any other county *office*, the presiding or senior judge of probate, the county clerk, and the prosecuting attorney shall appoint a suitable person to fill the vacancy.

(3) *A person appointed shall* take and subscribe to the oath as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and *hold office for the remainder of the unexpired term* and until a successor is elected and qualified. However, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in *office* would be elected if there were no vacancy, the person appointed shall hold *office* only until a successor is elected at the next general November election in the

manner provided by law and qualifies for office. *The successor shall hold the office for the remainder of the unexpired term.* [Emphasis added.]

Finally, although not dealing specifically with the Act in question here, the Michigan Supreme Court in *Hawkins v Voisine*, 292 Mich 357, 359; 290 NW 827 (1940), held that a person whose entitlement to the office of village president was not decided until after the term had expired was nevertheless entitled to the salary, explaining: "An official salary is not made dependent upon the amount of work done, but belongs to the office itself without regard to the personal service of the officer." (Citations omitted.)

It is my opinion, therefore, that a county board of commissioners may not reduce the annual salary of a county treasurer during a four-year term of office, following the resignation of the person elected to that office, and prior to the appointment of a new county treasurer for the unexpired remainder of the term. The statutory prohibition applies regardless of whether the person was elected or appointed to that term of office.

MIKE COX
Attorney General

OPINIONS OF THE ATTORNEY GENERAL

INCOMPATIBILITY: Incompatibility of office of member of
COUNTY COMMISSIONER: concealed weapons licensing board and
county commissioner
CONCEALED WEAPONS LICENSING
BOARDS:

The Incompatible Public Offices Act prohibits a person from simultaneously holding the office of county commissioner and member of the concealed weapons licensing board for that county.

Opinion No. 7129

April 7, 2003

Brian A. Pepler
Chippewa County Prosecuting Attorney
300 Court Street
Chippewa County Courthouse Annex
Sault Ste. Marie, MI 49783

You have asked whether the Incompatible Public Offices Act prohibits a person from simultaneously holding the office of county commissioner and member of the concealed weapons licensing board for that county.

The Incompatible Public Offices Act (Act), 1978 PA 566, as amended, MCL 15.181 *et seq.*, addresses the simultaneous holding of multiple public offices. Section 2 of the Act, MCL 15.182, prohibits public officers and employees from simultaneously holding two or more incompatible offices. Section 1(b) of the Act, MCL 15.181(b), defines "incompatible offices" as:

[P]ublic offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:

- (i) The subordination of 1 public office to another.

(ii) The supervision of 1 public office by another.

(iii) A breach of duty of public office.

Incompatibility based on subordination and supervision has been the subject of numerous court cases and opinions of the Attorney General. Authority in one office to appoint or remove a person from another office violates these prohibitions. OAG, 1979-1980, No 5626, p 537, 542 (January 16, 1980), explained that the power of removal constituted an incompatibility at common law that continues in force under the Act:

[T]he first and second criteria of incompatibility as set forth by the statute would extend to those situations in which "the incumbent of one of the offices has the power of appointment as to the other office, or the power to remove the incumbent of the other."

In Michigan, the power in one office to appoint or remove a person from another office creates an incompatibility in those two offices. The law was aptly summarized in *Attorney General, ex rel Moreland v Common Council of City of Detroit*, 112 Mich 145, 173; 70 NW 450, 459-460 (1897), cited with approval in *Petitpren v Wayne-Westland Community Schools*, 91 Mich App 590, 593; 283 NW2d 812 (1979):

The power of removal is ever present, ready for use when its exercise is required. The argument that the contingency for its use is very remote is without force. We have been unable to find a decision which holds that one person may hold two offices, in one of which he is clothed with power to remove the person holding the other.

Other opinions of this office have likewise found the power of one office to appoint or remove a person from another office creates an incompatibility in those two offices. See, e.g., OAG, 1981-1982, No 6030, p 534 (January 21, 1982), finding incompatible the offices of mayor (a member of the city council) and city assessor where the city assessor serves at the pleasure of the council.

The Concealed Pistol Licensing Act (Concealed Pistol Act), 1927 PA 372, as amended, MCL 28.421 *et seq*, regulates the possession and carrying of concealed pistols. The Concealed Pistol Act establishes the concealed weapons licensing board and provides for its membership. Section 5a(1)(a), MCL 28.425a(1)(a), provides that the county prosecuting attorney is a member of the concealed weapons licensing board unless he or she does not want to be a member. This section also provides for the county board of commissioners to appoint the replacement for a county prosecuting attorney who chooses not to serve as a member.

Section 5a(1)(a) of the Concealed Pistol Act, MCL 28.425a(1)(a), empowers the county board of commissioners to both appoint and remove the member of the concealed weapons licensing board replacing the county prosecutor as follows:

The county board of commissioners shall then appoint a replacement for the prosecuting attorney who is a firearms instructor who has the qualifications prescribed in section 5j(1)(c). The person who replaces the prosecuting attorney shall serve on the concealed weapon licensing board in place of the prosecuting attorney for the remaining term of the county prosecuting attorney *unless removed for cause by the county board of commissioners*. [Emphasis added.]

Information accompanying your letter includes the added detail that the person at issue in your request was appointed to membership on the concealed weapons licensing board before election to the county board of commissioners. While this chronology may have altered the analysis if the county board of commissioners' power under the Concealed Pistol Licensing Act was limited to the *appointment* of concealed weapons licensing board members, it does not affect the analysis related to the county board of commissioners' power to *remove* such a member.

It is my opinion, therefore, that the Incompatible Public Offices Act prohibits a person from simultaneously holding the office of county commissioner and member of the concealed weapons licensing board for that county.

MIKE COX
Attorney General

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2003 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

**ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2003 SESSION)**

No enrolled senate and house bills have been signed into law or vetoed for the 2003 session. Therefore, Michigan Register 2003, MR 7 does not contain a table of enrolled senate and house bills.

MICHIGAN ADMINISTRATIVE CODE TABLE
(2003 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the office of regulatory reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2003 RULE FILINGS)

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
29.2801	*	1	285.551.26	R	5	299.2905	*	5
29.2802	*	1	285.551.27	R	5	299.2911	*	5
29.2802a	A	1	285.551.28	R	5	299.2912	*	5
29.2803	*	1	285.551.29	R	5	299.2916	*	5
29.2804	*	1	285.551.30	R	5	299.2917	*	5
29.2805	*	1	285.551.41	R	5	299.2918	*	5
29.2806	*	1	285.551.42	R	5	299.2920	*	5
29.2807	*	1	285.551.43	R	5	299.2922	*	5
29.2807a	A	1	285.551.44	R	5	299.2923	*	5
29.2808	*	1	285.551.51	R	5	299.2924	*	5
29.2809	*	1	285.551.52	R	5	299.2925	A	5
29.2810	*	1	285.551.53	R	5	299.2925a	*	5
29.2811	*	1	285.551.54	R	5	299.2926	*	5
29.2811a	A	1	285.551.56	R	5	299.2927	*	5
29.2812	*	1	285.551.58	R	5	323.1171	*	1
29.2813	*	1	285.551.61	R	5	323.1172	*	1
29.2814	*	1	285.551.62	R	5	323.1173	*	1
259.241	*	4	285.551.63	R	5	323.1175	*	1
259.243	*	4	285.551.64	R	5	323.1180	*	1
259.244	*	4	285.551.65	R	5	323.1181	*	1
285.551.1	R	5	285.551.66	R	5	323.1174	R	1
285.551.4	R	5	285.551.67	R	5	323.3101	*	5
285.551.6	R	5	285.551.68	R	5	323.3102	*	5
285.551.9	R	5	285.551.69	R	5	323.3103	*	5
285.551.11	R	5	285.551.70	R	5	323.3104	*	5
285.551.13	R	5	285.551.71	R	5	323.3105	*	5
285.551.15	R	5	285.551.72	R	5	323.3106	*	5
285.551.16	R	5	285.551.73	R	5	323.3107	*	5
285.551.17	R	5	285.551.74	R	5	323.3108	*	5
285.551.18	R	5	285.551.75	R	5	323.3109	*	5
285.551.19	R	5	285.551.76	R	5	323.3110	*	5
285.551.20	R	5	285.551.77	R	5	324.1	N	2
285.551.21	R	5	285.551.78	R	5	324.2	N	2
285.551.22	R	5	285.551.79	R	5	324.3	N	2
285.551.23	R	5	285.551.81	R	5	324.21	N	2
285.551.24	R	5	285.551.83	R	5	324.22	N	2
285.551.25	R	5	299.2903	*	5	324.23	N	2

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

2003 MR 7 – May 1, 2003

R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
324.24	N	2	325.10109	*	2	325.10719a	*	2
324.31	N	2	325.10308b	*	2	325.10719d	*	2
324.32	N	2	325.10401	*	2	325.10719e	A	2
324.33	N	2	325.10401a	A	2	325.10719f	A	2
324.41	N	2	325.10402	*	2	325.10720	*	2
324.42	N	2	325.10403	*	2	325.10720a	A	2
324.43	N	2	325.10404	*	2	325.10721	R	2
324.51	N	2	325.10405	*	2	325.11002d	*	2
324.52	N	2	325.10406	*	2	325.11004	R	2
324.53	N	2	325.10407	*	2	325.11008	*	2
324.54	N	2	325.10408	*	2	325.11009	R	2
324.55	N	2	325.10408a	A	2	325.11502	*	2
324.56	N	2	325.10408b	A	2	325.11503	R	2
324.57	N	2	325.10409	*	2	325.11505a	*	2
324.58	N	2	325.10411	*	2	325.11506	*	2
324.59	N	2	325.10412	*	2	325.13101	*	7
324.59a	N	2	325.10413	*	2	325.13102	*	7
324.59b	N	2	325.10414	*	2	325.13104	*	7
324.59c	N	2	325.10415	*	2	325.13105	*	7
324.59d	N	2	325.10416	*	2	325.13106	*	7
324.59e	N	2	325.10417	*	2	325.13107	*	7
324.61	N	2	325.10418	*	2	325.13108	*	7
324.62	N	2	325.10419	*	2	325.13109	*	7
324.63	N	2	325.10420	*	2	325.13110	*	7
324.64	N	2	325.10604a	*	2	325.13111	*	7
324.65	N	2	325.10605	*	2	325.13201	*	7
324.71	N	2	325.10610	A	2	325.13202	*	7
324.72	N	2	325.10610a	A	2	325.13205	*	7
324.73	N	2	325.10610b	A	2	325.13206	*	7
324.74	N	2	325.10610c	A	2	325.13207	*	7
324.75	N	2	325.10611	A	2	325.13208	*	7
324.81	N	2	325.10611a	A	2	325.13209	R	7
325.10102	*	2	325.10611b	A	2	325.13211	*	7
325.10103	*	2	325.10702	*	2	325.13212	*	7
325.10104	*	2	325.10704	*	2	325.13213	*	7
325.10105	*	2	325.10706	*	2	325.13301	*	7
325.10106	*	2	325.10707b	*	2	325.13302	*	7
325.10108	*	2	325.10719	R	2	325.13303	*	7

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R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
325.13304	*	7	325.13533	A	7	408.881	*	1
325.13305	*	7	325.13535	A	7	408.882	*	1
325.13306	*	7	325.13537	A	7	408.885	*	1
325.13307	*	7	325.13539	A	7	408.886	*	1
325.13401	R	7	325.13541	A	7	408.887	*	1
325.13402	R	7	325.13543	A	7	408.891	*	1
325.13403	R	7	325.52501	A	6	408.898	A	1
325.13404	R	7	325.52502	A	6	408.31070	*	5
325.13405	R	7	325.52503	A	6	408.31087	A	5
325.13406	R	7	325.52504	A	6	408.31088	A	5
325.13407	R	7	325.52505	A	6	408.31089	A	5
325.13408	R	7	325.52506	A	6	408.31090	A	5
325.13409	R	7	336.1122	*	5	408.41401	*	4
325.13410	R	7	338.251	*	1	408.41405	A	4
325.13411	R	7	338.252	*	1	408.41410	A	4
325.13412	R	7	338.253	*	1	408.41454	R	4
325.13413	R	7	338.254	*	1	408.41455	*	4
325.13414	R	7	338.255	*	1	408.41456	*	4
325.13415	R	7	339.23101	*	5	408.41461	*	4
325.13416	R	7	408.801	*	1	408.41462	*	4
325.13417	R	7	408.802	*	1	408.41463	*	4
325.13418	R	7	408.803	*	1	408.41464	*	4
325.13501	A	7	408.806	*	1	408.41465	*	4
325.13503	A	7	408.813	*	1	408.41466	*	4
325.13505	A	7	408.814	*	1	408.41467	*	4
325.13507	A	7	408.821	*	1	408.41471	*	4
325.13509	A	7	408.833	*	1	408.41472	*	4
325.13511	A	7	408.834	*	1	408.41474	*	4
325.13513	A	7	408.837	*	1	408.41475	*	4
325.13515	A	7	408.838	*	1	408.41476	*	4
325.13517	A	7	408.839a	*	1	408.41477	*	4
325.13519	A	7	408.841	*	1	408.41478	*	4
325.13521	A	7	408.843	*	1	408.41479	*	4
325.13523	A	7	408.844	*	1	408.41481	*	4
325.13525	A	7	408.852	*	1	408.41483	*	4
325.13527	A	7	408.876	*	1	418.10104	*	4
325.13529	A	7	408.876	R	1	418.10105	*	4
325.13531	A	7	408.877	*	1	418.10106	*	4

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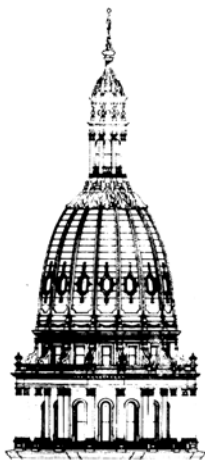
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R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue	R Number	Action	2003 MR Issue
418.10107	*	4	432.21327	*	6	432.21617	*	6
418.10108	*	4	432.21328	*	6	432.21618	*	6
418.10116	*	4	432.21329	*	6	432.21619	*	6
418.10117	*	4	432.21330	*	6	432.21620	*	6
418.10121	*	4	432.21331	*	6	432.21621	*	6
418.10202	*	4	432.21333	*	6	432.21622	*	6
418.10902	A	4	432.21334	*	6	432.21623	*	6
418.10904	*	4	432.21335	*	6	432.21624	*	6
418.10915	*	4	432.21336	*	6	432.21710	*	6
418.10916	*	4	432.21406	*	6	432.21713	*	6
418.10922	*	4	432.21407	*	6	432.21714	*	6
418.10923	*	4	432.21411	*	6	432.21715	*	6
418.10924	R	4	432.21413	*	6	432.21716	*	6
418.10925	*	4	432.21414	*	6	432.21717	*	6
418.101002	*	4	432.21415	*	6	432.21720	*	6
418.101204	*	4	432.21419	*	6	432.21721	*	6
418.101206	*	4	432.21420	*	6	432.21801	*	6
418.101501	*	4	432.21501	*	6	432.21803	*	6
418.101502	A	4	432.21507	*	6	432.21804	*	6
418.101503	A	4	432.21510	*	6	432.21805	*	6
418.101504	A	4	432.21515	*	6	432.21806	*	6
432.21101	*	6	432.21516	*	6	432.21807	*	6
432.21109	*	6	432.21517	*	6	432.21808	*	6
432.21201	*	6	432.21518	*	6	432.21809	*	6
432.21202	*	6	432.21519	*	6	432.21810	*	6
432.21204	*	6	432.21521	*	6	432.21811	*	6
432.21208	*	6	432.21522	*	6	432.21812	*	6
432.21301	*	6	432.21601	*	6	432.21813	*	6
432.21310	*	6	432.21603	*	6	432.21901	*	6
432.21312	*	6	432.21604	*	6	432.21904	*	6
432.21313	*	6	432.21605	*	6	432.21905	*	6
432.21314	*	6	432.21606	*	6	432.21906	*	6
432.21317	*	6	432.21607	*	6	432.21907	*	6
432.21318	*	6	432.21608	*	6	432.21908	*	6
432.21319	*	6	432.21610	*	6	432.21909	*	6
432.21321	*	6	432.21611	*	6	432.21910	*	6
432.21322	*	6	432.21612	*	6	432.21911	*	6
432.21324	*	6	432.21614	*	6	432.22001	*	6
432.21326	*	6	432.21616	*	6	432.22003	*	6

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432.22008	*	6
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484.402	A	7
484.421	A	7
484.422	A	7
484.423	A	7
484.424	A	7
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484.431	A	7
484.434	A	7
484.435	A	7
484.438	A	7
484.439	A	7
484.440	A	7
484.440a	A	7
484.440b	A	7
484.440c	A	7
484.441	A	7
484.442	A	7
484.443	A	7
484.444	A	7
484.445	A	7
484.446	A	7
484.451	A	7
484.452	A	7
484.453	A	7
484.454	A	7
484.455	A	7
484.456	A	7
484.457	A	7
484.458	A	7
484.459	A	7
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